REGULAR COUNCIL MEETING
A G E N D A

August 8, 2011 - 7:30 P.M. - Council Chambers - City Hall - City of Dover

OPEN FORUM - 15 MINUTES PRIOR TO OFFICIAL MEETING (7:15 P.M.)
The "Open Forum" segment is provided to extend the opportunity to the general public to share their questions, thoughts, comments, concerns, and complaints. Discussion of any item appearing on the agenda is prohibited and citizen comments are limited to three (3) minutes. Council is prohibited from taking action since they are not in official session; however, they may schedule such items as regular agenda items and act upon them in the future.

INVOCATION BY CHAPLAIN WALLACE DIXON

PLEDGE OF ALLEGIANCE LED BY COUNCILMAN BONAR

AGENDA ADDITIONS/DELETIONS

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

* **1. Adoption of Minutes - Regular Council Meeting of July 25, 2011**

2. Public Hearing - Violation of the Dangerous Building Ordinance - 70 Mifflin Road (Robert Stone)

3. Public Hearing/Final Reading - Proposed Zoning Text Amendments
The First Reading of Proposed Ordinance #2011-14 was accomplished during the Council Meeting of June 27, 2011. Copies of the proposed ordinances are available at the entrance of the Council Chambers.

A. Ordinance #2011-14 - Appendix B - Zoning, Article 10 - Planning Commission

* **4. Legislative, Finance, and Administration Committee Report - July 25, 2011**

A. Review and Recommendation - Filling Critical Positions

a-1. Police Dispatchers (2)
(Committee Recommended Approval of the Request to Recruit Two (2) Communications Dispatchers for the Police Department 911 Center by Posting In-House for a Minimum of 30 Days Prior to Publicly Advertising the Positions)

B. Review of Grant Applications

b-1. FY11 Edward Byrne Justice Assistance Grant Program
(Committee Recommended Approval of the Grant)

b-2. FY10 Buffer Zone Protection Program Grant (DEMA)
(Committee Recommended Approval of the Grant)

C. Public Comment Period
(Committee Action Not Required)

* **5. Monthly Reports - June 2011**

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

* **6. Appointment Recommended by Mayor Carey - Property Maintenance Code Board of Appeals - Heather D. Ennis (Annual Appointment Deferred During the Meeting of May 9, 2011)**

7. Final Reading - Proposed Ordinances

The First Reading of the following proposed ordinances was accomplished during the Council Meeting of July 25, 2011. Copies of the proposed ordinances are available at the entrance of the Council Chambers.

A. Ordinance #2011-17 - Chapter 102 - Taxation, Article III - Realty Transfer Tax, Section 102-71 - Definitions and Article IV - Abatement of Real Estate Taxes, Section 102-13 - Qualifications

B. Ordinance #2011-19 - Chapter 102 - Taxation, Article I - In General, Section 102-5 - Income and Expense Reports and Appendix F - Fees and Fines

8. Council Members Announcements

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REGULAR COUNCIL MEETING

The Regular Council Meeting was held on July 25, 2011 at 7:30 p.m. with Council President Leary presiding. Council members present were Mr. Anderson, Mrs. Russell, Dr. McGlumphy, Mr. Lynn, Mr. Bonar, Mrs. Williams, Mr. Hare, and Mr. Hutchison.

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

OPEN FORUM

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

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

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

AGENDA ADDITIONS/DELETIONS

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

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

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF JULY 11, 2011

The Minutes of the Regular Council Meeting of July 11, 2011 were unanimously approved by motion of Mr. Bonar, seconded by Mrs. Williams and bore the written approval of Mayor Carey.

CERTIFICATE OF RECOGNITION AND CONGRATULATIONS - RONALD SWAGGARD

Council President Leary stated that presentation of the Certificate to Mr. Ronald Swaggard would be deferred until a future date, due to Mr. Swaggard's absence.

PRESENTATION - AMERICAN PUBLIC POWER ASSOCIATION (APPA) SAFETY AND ENERGY INNOVATOR AWARDS

The following statement was read into the record by the City Clerk:

> *One hundred and four public power systems have earned the American Public Power Association's Electric Utility Safety Award of Excellence for safe operating practices in 2010. More than 257 utilities entered the annual contest, which reviews three years' worth of data prior to considering utilities for an award. Entrants were placed in categories according to their number of worker hours and judged for the most incident-free records during 2010. The incidence rate, used to judge contest entries, is based on the number of work-related reportable injuries or illnesses and*

the number of worker-hours during 2010, as defined by the Occupational Safety and Health Administration (OSHA). We are proud that the City of Dover has received the APPA Safety Award for systems with 60,000 to 109,999 worker-hours of exposure.

The City of Dover Public Utilities Department also received the Energy Innovator Award for the Dover Sun Park - A Statewide Clean Energy Partnership. The City of Dover collaborated with other entities to create one of the largest solar power plants east of the Mississippi River. Their innovative approach and the structure of their agreements allocated the benefits and harmonized commercial terms so they could bank the Solar Renewable Energy Credits. This project will be the first utility-scale power plant in the region which will supply 25% of Delaware's required solar power production through 2015. Effective dialog amongst stakeholder groups was the key to this success. The official ribbon cutting ceremony for the Dover Sun Park will take place on August 17, 2011.

We congratulate the Public Utilities Department for receiving these two prestigious awards.

Mr. Ron Lunt, Public Utilities Director, reminded members that the City of Dover received the APPA Safety and Energy Innovator Award for the first time last year. He commended Mr. Richard Gardner and all Electric Department staff for working over two (2) years without an accident. Mr. Gardner stated that the workers are to be congratulated for the receipt of this award and commended them for using tools safely and implementing knowledge gained through training sessions.

Mayor Carey thanked all workers of the Electric Department and advised members that, he along with Mr. Lunt, traveled to Washington, D.C. to receive the award from APPA and that it was an honor to represent the City as the recipient of the award.

Mr. Bonar also relayed appreciation to the employees of the Electric Department for their work, particularly during the recent heat spell, noting that the PJM grid set a record for consumption per megawatt hours of electricity produced during the past four (4) to five (5) days, in the amount of 160,000 megawatt hours.

Mr. Hutchison noted that one of the City's greatest assets is its Electric Department and he thanked all employees for a job well done.

On behalf of all members of Council, Council President Leary relayed appreciation to the employees of the Electric Department.

PRESENTATION BY THE DOWNTOWN DOVER PARTNERSHIP - DOVER BRANDING

Mr. Gregg Moore, President of the Downtown Dover Partnership (DDP), introduced Mr. Bill Neaton, Executive Director, DDP, and Mr. Ben Muldrow from Arnett Muldrow and Associates of South Carolina. Mr. Moore advised members that Arnett Muldrow prepared a branding and marketing campaign for the DDP. He reminded members that the study was prepared by the DDP and funded principally by a grant from the Delaware Economic Development Office.

Mr. Muldrow provided a presentation on branding and marketing for the City of Dover and read the branding statement in its entirety, as prepared by Arnett Muldrow. He explained that his firm developed a series of graphics for the City to utilize, reviewed brochures and signage for the community, and began consideration of other advertising and marketing tools for the organization, DDP events, and other partners in the community. Mr. Muldrow indicated that the project's goal is to empower the community to tell a story and begin connecting all available resources. His vision was that the City would no longer simply state that it is the Capital of the First State but would assert that, "We are a historic community that will blow you away with what we are doing today!"

Mr. Moore advised members that this was a public outreach project and that meetings were held with representatives of Arnett Muldrow, who considered thoughts and ideas from the community for the development of the branding statement.

Mr. Bonar stated the need for a correction (use of a proper noun) and that he would meet with Mr. Muldrow after the meeting to discuss it further.

Mr. Hutchison felt that the branding statement marks a new beginning and opportunity for the City of Dover and relayed excitement about the project. It was his hope that City Council would support this effort.

In regard to corrections, Mr. Anderson noted that Delaware State is a full University and should be referred to as such.

Council President Leary relayed appreciation for the presentation.

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE REPORT - JULY 11, 2011

The Parks, Recreation, and Community Enhancement Committee met on July 11, 2011 with Chairwoman Russell presiding.

Review of Active Recreation Area Plans - Dove View Apartments

Ms. Janelle Cornwell, Planner II, reviewed detailed information regarding the Recreation Plan for the Dove View Apartments. She noted that Dove View Apartments is being reviewed as a Site Development Plan and that the subject property consists of one (1) parcel of land totaling $6.8326^{+/-}$ acres. The Site Plan is to permit the construction of three (3) residential buildings with 144 apartments. Two (2) of the buildings were partially constructed as a part of an expired Conditional Use Site Plan known as Dove View Planned Neighborhood Design - Senior Housing Option.

As part of the Site Plan review process for this project, Ms. Cornwell stated that the applicant has prepared a Conceptual Recreation Plan which illustrates how the Dove View development will provide recreation amenities in accordance with the design specifications described in Article 5, Section 10 of the Zoning Ordinance. The Plan indicates that 24,541 S.F. of land would be reserved as Active Recreation Area, which are in central locations on the site. She stated that the proposed amenities include a walking path with benches and picnic tables around the stormwater management pond, an area with horseshoe pits with picnic tables, and an area with a shuffleboard court, swing set, and picnic table.

Ms. Cornwell reminded members that the Active Recreation Area Plan must be reviewed by the Parks, Recreation, and Community Enhancement Committee for a recommendation prior to consideration of the Site Development Master Plan by the Planning Commission. She reviewed information from the submitted Plan (dated May 11, 2011) for the Active Recreation Area to be constructed, as follows:

	Required	**Provided on Plan**
Active Recreation Area (Article 5, §10.515)	150 S.F. per dwelling unit or 10,000 S.F., whichever is greater, to be provided on site. 144 DU = 21,600 S.F. Provided: 24,541 S.F.	Shuffleboard, swing set, and picnic tables area = 6,763 S.F. Walking Area with benches and picnic tables = 13,125 S.F. Horseshoe pits with picnic tables = 4,653 S.F.
Active Recreation Amenities (Article 5, §10.15)	Accessible	Located through the development.
Active Recreation Amenities (Article 5, §10.15)	Age Oriented to Development	The walking area with benches and picnic; the horseshoe pits with picnic tables; and shuffleboard court with swing set and picnic tables would serve all ages.
	Parking	The particulars of the proposed active recreation do not have associated parking needs.
	Setbacks: 30 feet from residential lots and 25 feet from right-of-way for street	All of the active recreation areas are in compliance as required.
	Landscaping	The project shows trees and landscaping around the site and within the various recreation areas.

Staff submitted the following comments and recommendations regarding the Active Recreation Area to be constructed:

1. The proposed plan meets the area requirements for the Active Recreation Area. The plan is required to provide 21,600 S.F. of Active Recreation Area and it is proposing 24,541 S.F. of Active Recreation Area.

2. Staff recommends approval of the walking path, benches, picnic tables, horseshoe pits, shuffleboard court and swing set.

3. Staff recommends denial of all of the grass area (as delineated on the plan) around the walking path as active recreation area as this area is part of the stormwater management area. The walking path itself is counted towards the active recreation area. The walking path is calculated by itself. (Article 5, Section 10.155) The area in the immediate proximity of the benches and picnic tables should count towards the active recreation area.

4. Staff recommends that one swing on the swing set be for a small child.

5. The following items should be included on the Plan to clarify the construction of the recreation area improvements:

    a. Provide a list of the proposed features on the Active Recreation Plan (i.e. the number of benches, picnic tables, etc).

    b. Revise the square footage of the shuffleboard area on Landscape and Recreation Plan Sheet to state 6,763 S.F.

    c. Provide accessibility to one picnic table in both the horseshoe and shuffleboard areas.

    d. Provide accessibility to one horseshoe pit and the shuffleboard court.

    e. Identify the protective ground covering material under the swing set.

    f. Provide a sidewalk connection from the sidewalk near the horseshoe pits area to the sidewalk at the end of the west side of the entrance drive.

    g. Provide an accessible picnic table.

6. The applicant is reminded of the requirements for construction phasing of the recreation area as associated with the development of the residential units, as follows:

    Article 5, §10.6 Construction phasing. The recreation and open space areas shall be completed in a proportion equal to or greater than the proportion

of residential dwelling units completed, except that one hundred (100) percent of the recreation and open space areas shall be completed prior to issuing building permits for the final twenty (20) percent of the dwelling units proposed. Building permits shall not be issued for dwelling units unless the requirements of this section are met.

7. There shall be provisions which ensure that the common open space land (including active recreation area) shall continue as such and be properly managed and maintained. The developer shall either retain ownership and responsibility for maintenance of such open land; or provide for and establish one (1) or more organizations for the ownership and maintenance of all common open space i.e. a Homeowners Association. The organization shall be responsible for maintenance, insurance and taxes on the common open space.

    a. Add a note on the Site Plan regarding who is responsible for maintenance, and insurance on the common open space.

8. In the event that major changes and revisions to the Site Plan occur in the finalization of the Site Plan, contact the Planning Office. Examples include reorientation of buildings, relocation of site components like stormwater management areas, and increases in floor area. These changes may require resubmission for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations in regards to the plan.

Mr. Garth Jones, Becker Morgan Group, indicated that, due to the close proximity to the Modern Maturity Center, it is anticipated that there will be a significant number of seniors residing at these apartments. He also confirmed the Group's concurrence with staff's recommendations.

In response to Mrs. Horsey, Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that the Modern Maturity Center had previously objected to a driveway connection between the two (2) sites; however, the Modern Maturity Center has agreed to a multi-use path for interconnection.

The Committee recommended acceptance of the Active Recreation Area Plan for Dove View Apartments, as presented and with the inclusion of staff's comments and recommendations.

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.

Review of Active Recreation Area Plans - Lands of Downtown Dover Partnership - 120 S. Governors Avenue

Ms. Janelle Cornwell, Planner II, reviewed detailed information regarding the Active Recreation Area Plan for the Lands of Downtown Dover Partnership (DDP) at 120 South Governors Avenue. She noted that the lands of DDP are being reviewed as a Site Development Plan and that the subject property consists of one (1) parcel of land totaling 1.7653 acres$^{+/-}$. The Site Plan Master Plan is to permit the construction of two (2) buildings. The first building, located on South Governors Avenue, is a 47,042 S.F. mixed use building with 27 apartments and 11,874 S.F. of retail space on the first floor. The second building, located on South New Street, is a 34,896 S.F. residential building with 24 apartments.

As part of the Site Plan review process for this project, Ms. Cornwell stated that the applicant has prepared a Conceptual Recreation Plan which illustrates how the property located at 120 South Governors Avenue will provide recreation amenities in accordance with the design specifications described in Article 5, Section 10 of the Zoning Ordinance. The Plan indicates that 5,210 S.F. of land would be reserved as Active Recreation Area. The Active Recreation Areas are in central locations on the site. The proposed amenities include a garden area with a walking path and benches behind the South Governors Avenue building and a gazebo with picnic tables next to the South New Street building.

South Governors Avenue

The garden area with a brick walking path, benches, and grass area is 2,052 S.F. The area is accessible from the back of the mixed use building and is landscaped. There are five (5) benches proposed within this area.

South New Street

The gazebo with picnic tables and grass area is 3,158 S.F. The area is accessible from the side and rear of the residential building. The landscaped area includes four (4) picnic tables surrounding the gazebo.

Ms. Cornwell reminded members that the Active Recreation Area Plan must be reviewed by the Parks, Recreation, and Community Enhancement Committee for a recommendation prior to consideration of the Site Development Master Plan by Planning Commission. She reviewed information from the submitted Plan (dated June 17, 2011) for the Active Recreation Area to be constructed, as follows:

	Required	**Provided on Plan**
Active Recreation Area (Article 5, §10.515)	75 S.F. per dwelling unit with a minimum of 2,500 S.F. to be provided on site. 51 DU = 3,825 S.F. Requires 3,825 S.F.	Gazebo and picnic tables = 3,158 S.F. Garden Area with walking path and benches = 2,052 S.F.
Active Recreation Amenities (Article 5, §10.15)	Accessible	Located through the development.

Active Recreation Amenities (Article 5, §10.15)	Age Oriented to Development	The garden area with benches and the gazebo with picnic tables would serve all ages.
	Parking	The particulars of the proposed active recreation do not have associated parking needs.
	Setbacks: 30 feet from residential lots and 25 feet from right-of-way for street	The garden area and benches are in compliance as required. The gazebo is located within 30' of a residential lot and is within 25' of the right-of-way.
	Landscaping	The project shows trees and landscaping around the site and within the various recreation areas.

Staff submitted the following comments and recommendations regarding the Active Recreation Area to be constructed:

1. The proposed plan meets the area requirements for the Active Recreation Area. The plan is required to provide 3,825 S.F. of Active Recreation Area and it is proposing 5,210 S.F. of Active Recreation Area.

2. Staff recommends approval of the walking path, three (3) benches, and two (2) picnic tables.

3. The gazebo is located within 25 feet of the right-of-way and is within 30 feet of a residentially used parcel. Upon consultation with the applicant, the gazebo will be removed from the plan.

    a. The removal of the gazebo does not impact the overall square footage of the Active Recreation Area.

4. Staff recommends the addition of paved patio/picnic with a grill area in the location of the gazebo (to be removed).

5. Staff recommends the reduction of two (2) picnic tables and the reduction of two (2) benches.

6. The following items should be included on the Plan to clarify the construction of the recreation area improvements:

a. Provide a list of the proposed features on the Active Recreation Plan (i.e. the number of benches and the details of the items).

b. Remove the gazebo from the plan.

c. Revise the bench detail to have a divided bench.

d. Revise the fence to be an open fence as shown on the Architectural Elevations.

e. Ensure one (1) picnic table is accessible.

7. The applicant is reminded of the requirements for construction phasing of the recreation area as associated with the development of the residential units, as follows:.

   Article 5 §10.6 Construction phasing. The recreation and open space areas shall be completed in a proportion equal to or greater than the proportion of residential dwelling units completed, except that one hundred (100) percent of the recreation and open space areas shall be completed prior to issuing building permits for the final twenty (20) percent of the dwelling units proposed. Building permits shall not be issued for dwelling units unless the requirements of this section are met.

8. There shall be provisions which ensure that the common open space land (including Active Recreation Area) shall continue as such and be properly managed and maintained. The developer shall either retain ownership and responsibility for maintenance of such open land; or provide for and establish one (1) or more organizations for the ownership and maintenance of all common open space i.e. a Homeowners Association. The organization shall be responsible for maintenance, insurance and taxes on the common open space.

   a. Add a note on the Site Plan regarding who is responsible for maintenance, and insurance on the common open space.

9. In the event, that major changes and revisions to the Site Plan occur in the finalization of the Site Plan contact the Planning Office. Examples include reorientation of buildings, relocation of site components like stormwater management areas, and increases in floor area. These changes may require resubmission for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations in regards to the plan.

In response to Mrs. Russell, Ms. Cornwell indicated that, although there will be open grass areas, the recreation plan does not include any specific recreation facilities for small children. Mrs. Russell suggested that the owners consider providing recreational facilities for small children.

Responding to Mr. Lewis, Mr. Gregg Moore, Becker Morgan Group, stated that the fence is proposed to enhance architectural appearance; however, it will also provide a separation from the single-family neighborhoods. Mr. Moore stated that a stationary grill and pavers will be included to replace the gazebo.

For clarification, Mr. Moore explained that the DDP is attempting to facilitate the project by obtaining approvals from the Planning Commission and addressing questions and concerns of the Delaware Department of Transportation (DelDOT) and other agencies, etc., in order to offer the project for sale to a developer to build. DDP does not intend to construct the buildings; however, it is attempting to make the project attractive to developers.

Mr. William Neaton, Economic Development Director, reminded members that the concept for this project was a result of the Downtown Dover charrette process.

In response to Mrs. Horsey, Mr. Moore stated that the space is inadequate for a gazebo, even if a smaller structure were to be considered.

Mr. Moore confirmed concurrence with staff's recommendations.

The Committee recommended acceptance of the Active Recreation Plan for Lands of Downtown Dover Partnership located at 120 S. Governors Avenue, as presented and with the inclusion of staff's comments and recommendations.

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.

Semi-Annual Report - Statistics Regarding Jobs and Businesses Gained and Lost in the City of Dover Since July 2010

Mr. William Neaton, Economic Development Director, reviewed the semi-annual report of employment statistics on the 14 largest employers in the Dover area and reminded members that this information is updated and presented to members on a semi-annual basis. He also reminded members that his office has established relationships with the management and human resources departments of these companies in order to track job growth or decline.

Mr. Neaton stated that he has visited many local businesses, and that (at the request of the previous City Manager, Mr. Anthony DePrima) Mrs. Lisa Gardner, Departmental Budget and Support Staff Supervisor, Public Utilities Department, has attended these meetings with him to discuss utility concerns. Mr. Neaton indicated that, in the course of these meetings, Dover Downs was the only business that relayed concerns regarding the cost of utility services.

Responding to Mr. Lewis, Mr. Neaton stated that Dover Downs has genuine concerns regarding the lack of revenues derived from gaming tables; however, current discussion regarding the possibility of layoffs and revenue concerns are the result of tax and fee burdens imposed by the State.

In response to Mr. Anderson, Mr. Neaton stated that a very large business intends to occupy the Wal-Mart facility in Dover and the structure is not expected to remain vacant for a significant length of time; therefore, the City should not be impacted financially. He agreed to discuss the possibility of a partnership to enhance economic development with representatives of Delaware State University, similar to the one that exists between the University of Delaware and the City of Newark.

UPDATES

The following updates were provided to members:

Puncheon Run Watershed Action Team and Flood Plain Mapping

Mr. Scott Koenig, Interim City Manager, Public Services Manager/Director of Public Works, advised members that since the last meeting of the Puncheon Run Watershed Action Team in March/April 2011, Mr. Eugene Ruane (former City Council member) has worked diligently to secure assistance from a local surveyor who was successful with a previous Letter of Map Amendment (LOMA) application and is providing that information to area residents to apply for amendment if they choose. He stated that some of the residents have moved forward with the process; however, it is being done privately. As a result, Mr. Koenig suggested that no further updates be provided since staff has achieved its original purpose. However, he assured members that staff will continue to work on flooding issues in the Puncheon Run Basin as development projects are submitted in that area, or if there are additional opportunities for subdivision or individual site retrofitting.

The Committee recommended that the Update for the Puncheon Run Watershed Action Team and Flood Plain Mapping be removed from future agendas for the Committee.

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.

Planning and Funding for New Library

Ms. Margery Cyr, Library Director, advised members that the Governor's budget, which has been signed, provides $2.5 million for the construction of the new Dover Public Library. She noted that this brings the State's contribution to 100% at $10,584,357. Ms. Cyr stated that a $20,000 grant has been received from the Marmot Foundation. She indicated that the Capital Campaign Committee will launch the sale of memorial brick pavers for the new library later this week and that the pavers will cost $125 each. She provided members with promotional brochures regarding this program. The Events Committee of the Capital Campaign is hosting a Summer Bash on July 30, 2011 at the Fordham Brewery in Dover (tickets for the event are $25 in advance and $35 at the door).

Ms. Cyr advised members that language was included in the Governor's budget to allow for the Department of Natural Resources and Environmental Control (DNREC) and the City of Dover to begin discussions about the purchase of the existing library building by DNREC. She stated that the State's Facilities Management team and DNREC staff have toured the building and are making arrangements for an appraisal of the property to be performed.

Responding to Mr. Anderson, Mr. Koenig stated that language was included in the State's Bond Bill to begin consideration of the sale of the current library facility. A meeting has been scheduled to identify a boundary for property zoning and the appraisal will be performed subsequently. At that point, City Council would consider the appraisal and, if there is an agreement in principle on the sale of the property, those funds would be included in the FY 2013 State budget and the sale transaction would be anticipated in July or August 2012, immediately prior to the opening of the new Library.

Ms. Cyr stated that the construction of the new Library is projected for completion in June 2012, which would provide the City an opportunity to ensure systems are working, move property, organize, etc., prior to the grand opening scheduled in September 2012.

Ms. Cyr also advised members that fundraising continues to go very well. As of July 11, 2011, she stated that the Library is only $344,056 away from meeting their fundraising goal that would fully fund the new Library building, as approved by City Council in February.

CDBG Program

Mrs. Tracey Harvey, Community Development Director, reported the Status of FY 2010 CDBG Projects as of June 2011. She advised members that funding for the current fiscal year has not yet been received, noting that this is a new program year. She indicated that the approval letter from the Department of Housing and Urban Development (HUD) is typically received in late July/early August.

Mr. Clay Hammond, 505 Troon Road, (Chairman, Delaware Black Chamber of Commerce) noted that economic development has been a significant CDBG activity, although the City does not receive a large entitlement. He questioned if the use of CDBG funds could be expanded beyond housing to assist in economic development and providing jobs, etc. Responding, Mrs. Townshend stated that, although there is interest in funding these activities, dedicating funds is a "balancing act," explaining that members must also consider other needs, such as shelter for the homeless, as well as the amount of funding that can be allocated for each category (15% cap for public service programs).

Responding to Mr. Anderson, Mrs. Harvey noted that the First Time Home Buyer Assistance Program is a City-wide effort based on a "first come - first served" approach, and that currently applicants are experiencing difficulty qualifying for mortgages.

Mrs. Harvey confirmed that the tour of the Housing Rehabilitation Program properties is scheduled for the Committee meeting to be held on August 8, 2011, and that more information would be forthcoming as details are finalized.

Mrs. Russell suggested that the City develop a form letter to be completed by homeowners to evaluate the program and the contractors utilized for rehabilitation projects. Responding, Mrs. Harvey stated that all work is guaranteed for one (1) year and if the homeowner has difficulty contacting the contractor, she typically becomes involved and ensures that all issues are resolved. In addition, she noted that homeowners receive warranties when there are window and/or roof replacements.

Housing and Recovery Act of 2008 Funds (Neighborhood Stabilization Fund)
Mrs. Tracey Harvey, Community Development Director, reviewed the Update on the Housing and Recovery Act of 2008 Funds (Neighborhood Stabilization Program).

Dover Youth Advisory Committee
Mrs. Russell reported that the City of Dover Youth Advisory Committee would be holding a "Fun Day for Youth" on July 30, 2011 at Schutte Park from 11:00 a.m. to 2:00 p.m. Vendors (other than food vendors) are welcome to participate at a cost of $25.

Mrs. Russell advised members that Ms. Olivia Lilje, Little Miss Delaware Sweetheart, attended a recent Youth Advisory Committee Meeting and was presented with a journal to be kept and maintained throughout her career.

Mrs. Russell stated that Ms. Kristen Dietz, Co-President of the Youth Advisory Committee, was recognized at a recent Committee meeting for her participation in an oratorical contest, where she represented three (3) states and achieved First Runner Up. Ms. Dietz was presented with a journal at a recent Committee meeting.

With reference to the youth in the community, Mr. William Neaton, Economic Development Director, indicated that the Downtown Dover Partnership has partnered with United Way for "First Friday." He noted that 400 book bags with summer reading books were distributed to the youth during the event held on July 1, 2011. The next "First Friday" event will be the Annual Beach Party scheduled for August 5, 2011, on Loockerman Street and beach balls will be distributed. In addition, TD Bank will be attending and distributing summer reading program materials for the youth. Mrs. Russell requested that she be provided additional flyers promoting "First Friday" events.

Mr. Anderson suggested that there be more promotion of the Youth Advisory Committee's "Fun Day" event utilizing free resources, such as the City's Website.

Mrs. Russell indicated that a Youth Talent Show is also being planned by New Beginnings, the New Street civic association, and that she would provide further information as it becomes available.

Dover SunPark
Mr. Neaton advised members that there will be a ribbon cutting ceremony on August 17, 2011 at 1:00 p.m. for The Dover SunPark. He noted that all work has been completed, construction trailers are being removed, and that the testing phase has begun. He noted that commitment to utilizing local labor has been exemplary.

Responding to Mrs. Russell, Mr. Neaton suggested that anyone wishing to tour the facility should contact his office to arrange an appointment.

Prior to adjournment, Mr. Clay Hammond noted that last year, there was a great deal of discussion by Council and Council Committees regarding the emerging gang problem in the community. As a result, the Delmarva Black Chamber of Commerce held a "Black Town Hall" meeting to focus on

concerns in the African American Community, including disparities involving education, economics, health, etc., and to discuss the tremendous needs of the black community. He advised members that discussions have been held with Delaware State University and it has been determined that a needs assessment has not been performed in the African American Community. He requested that the Committee recommend support of such an assessment to determine the causes of these problems with a view toward developing solutions.

Responding, Mrs. Russell indicated that the Delaware Multicultural and Civic Organization (DEMCO) recently received a grant to conduct a community needs assessment (which was not targeted specifically to the African American Community) as it relates to education. Mr. Hammond stated that the needs assessment being requested goes beyond just education.

Mr. Lewis suggested that Mr. Hammond provide the Committee a presentation at a future meeting for further review and consideration of making such a recommendation to City Council.

Mrs. Russell explained that a formal request should be submitted for inclusion as an item on the Committee's agenda. For clarification, Mr. Koenig indicated that all such requests should be submitted to the City Clerk's Office.

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

UTILITY COMMITTEE REPORT - JULY 11, 2011

The Utility Committee met on July 11, 2011 with Chairman Bonar presiding.

Presentation - Garrison Energy Center Project Ownership

Mr. Ron Lunt, Public Utilities Director, reminded members that the Garrison Energy Center Land Lease and the Dover Sun Park originated as a result of a Request for Proposals (RFP) that the City issued in order to pursue various options as the City moves forward with energy management. He stated that the Land Lease is for three (3) years with approximately 1½ years remaining.

Mr. Lunt introduced Mr. Champe Fisher, Director, Calpine Corporation, and Mr. Fisher introduced other representatives of Calpine who were present. Mr. Fisher advised members that Calpine purchased the rights to the Garrison Development Project from Macquarie Energy, LLC in late April 2011 and is committing the full resources of the Corporation to pursue the project. Packets providing detailed information regarding Calpine were distributed to members.

Mr. Fisher reviewed a Presentation - Garrison Energy Center Update. Referring to Page 6 of the presentation, he advised members that the meanings of the acronyms listed are as follows: SCR - Selective Catalytic Reduction, CO Catalyst - Carbon Monoxide Emissions, and NOx - Nitrous Oxide (Combustion System).

Responding to Mrs. Williams, Mr. Fisher stated that the current design for a 309 MW dual-fueled combined cycle facility is the result of a request, submitted by Macquarie Energy, LLC to the

power grid operator in August 2010, to inject 309 MW into the grid. He stated that capacity is not expandable in the facility's current queue position; however, it would be expandable if a request for a study for an additional queue position with greater capacity was submitted to the grid. He estimated that the maximum capacity of this site could be doubled from its current level.

In response to Mr. Bonar, Mr. Fisher stated that 300-400 construction jobs would be created at the peak of the project. Following construction, with generation capacity at 309 MW, 10-15 full-time, wage earning positions are anticipated. He assured members that additional information regarding the facility's tax base would be obtained and provided.

Responding to Mr. Hare, Mr. Fisher stated that once the facility is completed, its "worth" will be included on Calpine's financial statements. Referring to Page 4 of the presentation, he noted that, according to the Department of Energy, a gas combined cycle facility can be built in 2015 for $1,100 per Kw ($1,100 x 309,000), which would equate to the cost of construction.

Although he supported the creation of jobs through this project, Mr. Lynn expressed concerns regarding the impact the project will have on the residents near the plant, specifically, the Wild Meadows Subdivision. He questioned if a representative of Calpine would meet with residents and the homeowners' association regarding some of these concerns. Concurring, Mr. Fisher welcomed the opportunity.

In response to Mrs. Williams, Mr. Fisher stated that he would obtain information regarding the amount of water that would be utilized on a daily basis by the facility and provide it to members. In addition, he agreed to obtain details regarding the need to expand the Kent County treatment facility for processing of the water after it leaves the plant. He explained that Calpine is in the process of reconfiguring the plant and that this information was previously determined based on Macquarie Energy's design. Once the reconfiguration is complete, a determination regarding the "water balance" will be accomplished. He stated that Calpine considered the water supply at this site, concurring that the critical components to run a power plant efficiently and effectively are in place.

Responding to Mr. Blakeman, Mr. Fisher noted that the gas pipeline is located in Cheswold (approximately 6 miles from site) and will be expanded to the site; however, he explained that the route for the installation has not yet been determined. Calpine is currently in the process of discussing this matter with Eastern Shore Natural Gas and reviewing various options, costs, and time frame.

In addition to the pipeline permit, Mr. Fisher advised members that several additional permits will be required prior to construction of this project. He noted that the commercial operation of the plant is scheduled to begin in June 2015.

At the request of Mr. Blakeman, Mr. Fisher stated that updates by Calpine can be provided to members as often as desired. He noted that Calpine was recently advised by PJM of a 60-day delay in one (1) of the required studies; therefore, additional details regarding the interconnection process will not be available until the end of September 2011.

In response to Mr. Hare, Mr. Fisher stated that the contract includes a provision that will allow the City to purchase power; however, there is no obligation in this respect.

Referring to Page 8 of the presentation, Mr. Fisher noted that the acronym, PLUS, refers to a Preliminary Land Use Survey.

Once the required infrastructure has been determined, Mr. Fisher assured members that these details and the results of the study will be presented to the City for consideration.

Mr. Bonar requested that Calpine keep the City updated on the project through written progress reports.

Responding to Mr. Blakeman, Mr. Fisher estimated that 2/3 of the power would be generated by the combustion turbine and 1/3 would be from the steam turbine.

Should Calpine decide to expand, Mr. Bonar requested that the City be provided details regarding any additional costs involving infrastructure, as well as the infrastructure needs for the project at its current size.

Mr. Lunt advised members that Calpine provides quarterly reports to the City and that he would be sure to forward them to members for their review.

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

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

Responding to Mr. Bonar, Mr. Ron Lunt, Public Utilities Director, stated that the galvanized pipe located near the railroad is temporary sewer bypass piping being utilized while construction is performed in the area.

Referring to the infrastructure that has been replaced on Bayard Avenue, east of Park Drive, Mr. Bonar questioned when it is anticipated the area would be repaved. Responding, Mr. Lunt stated that once the old main is disconnected and the services have been connected, paving will begin, and should be completed by Fall 2011.

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.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - JULY 11, 2011

The Legislative, Finance, and Administration Committee met on July 11, 2011 with Chairman McGlumphy presiding.

Proposed Amendment to Investment Policy

Mrs. Donna Mitchell, Controller/Treasurer, reminded members that a few months ago, the City changed its investment manager from Wilmington Trust to Public Financial Asset Management Group (PFAM). At that time, staff began reviewing the City's Investment Policy Statement and, as a result, staff developed proposed amendments to the Policy, which were presented to members for their consideration.

Mrs. Mitchell explained that Wilmington Trust is a trust company that manages investments for private industry, wealth management, and governmental entities and that PFAM conducts investments for only government and pension trusts. She advised members that the proposed amendments to City's Investment Policy reflect an orientation toward government investments and away from trust company investments for risk management and liquidity purposes. Mrs. Mitchell stated that the proposed amendments would provide a "stronger" policy for the City of Dover with regard to risk factors.

Staff recommended approval of the proposed amendments to the Investment Policy.

Responding to Mr. Hare, Mrs. Mitchell stated that any investment made "outside" of the policy would require City Council approval.

The Committee recommended approval of the proposed amendments to the Investment Policy, as recommended by staff.

By consent agenda, Mr. Bonar moved for approval of the Committee's recommendation to approve the proposed amendments to the Investment Policy *(Exhibit #1)*. The motion was seconded by Mrs. Williams and carried by a unanimous roll call vote.

Discussion - Fiscal Year 2011 Audit Program

Mrs. Donna Mitchell, Controller/Treasurer, reminded members that, several years ago, as a result of implementing auditing standards, it was suggested that an auditing committee review each audit. This committee was to be the entity through which the auditors could communicate suggestions or concerns to management. At that time, it was decided that rather than creating a new committee, the Legislative, Finance, and Administration Committee would serve as the audit committee.

Mrs. Mitchell reviewed a Presentation on the Auditor's Responsibility for Communicating with the Audit Committee and advised members that this update is provided annually at the initial phase of the yearly audit.

As indicated on Page 4 of the presentation, Mrs. Mitchell stated that the auditor's engagement letter was received earlier in the day and that a copy would be provided to members.

Understanding the importance of financial audits and ensuring that controls are in place, Mr. Anderson questioned if conducting a performance audit to assist with promoting efficiency has been considered. Responding, Mrs. Mitchell stated that such an audit would require a Request for Proposals (RFP) since it is not a part of the current contract with the City's auditors, Faw, Casson, and Co., LLC. Mr. Anderson suggested that staff investigate the preliminaries of requesting a performance audit for a report back to the Committee.

The Committee recommended acceptance of the report of the Auditor's Responsibility for Communicating with the Audit Committee.

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.

Additional Downtown Security Cameras (State Homeland Security Grant Program)

Mr. Scott Koenig, Interim City Manager and Public Services Manager/Director of Public Works, advised members that the City of Dover has requested and received funding from the State Homeland Security Grant Program (SHSGP) for the purchase and installation of three (3) additional outdoor security cameras in the downtown area. The proposed locations are as follows: 1) City of Dover Electric Pole #17258, near the intersection of S. New Street and Minor Street across from 134 S. New Street; 2) City of Dover Electric Pole #17233, adjacent to the south side of 59 S. Queen Street; 3) City of Dover Electric Pole #17229, adjacent to the north side of 67 S. Queen Street. He stated that a quote in the amount of $23,870 has been provided by Advantech, Inc. This vendor provides services and hardware under a State contract and is the approved vendor for such purchases under the SHSGP.

Mr. Koenig reiterated that short notice was provided regarding funding for this project since funds became available when other projects were completed under budget. The equipment was ordered and is scheduled for installation on or about July 18, 2011. All costs associated with the project will be charged to the Life Safety Budget under Public Services. He assured members that 100% of the project costs will be reimbursed to the City upon application for reimbursement.

Mr. Koenig indicated that this matter is being presented for consideration in an effort to follow the City's grant procedure and informed members that operation of the cameras may create ongoing costs in the future. He noted that the cameras and installation are covered by a one (1) year warranty which includes parts and labor and covers normal wear and tear, malfunction, or other defects. The warranty would begin once the vendor has confirmed the function of the newly installed equipment. After the warranty expires, labor would be billed at $110.00 per hour and parts would be purchased at the market rate.

Staff recommended authorization to complete the project and request reimbursement for all costs associated with the purchase and installation of the three (3) additional downtown security cameras.

Responding to Mr. Shevock, Mayor Carey noted that only one (1) existing camera has required maintenance following installation. Mr. Koenig noted that all vendors provide maintenance contracts and that he would work with the Mayor's Office to explore other providers for possible savings.

In response to Mr. Bonar, Mayor Carey stated that with the three (3) additional cameras, there would be a total of 14 cameras in the downtown area. He stated that he was aware of two (2) arrests that have been made as a result of the cameras.

The Committee recommended that staff be authorized to complete the project and request reimbursement for all costs associated with the purchase and installation of three (3) additional downtown security cameras.

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.

Proposed Ordinance #2011-17 - Chapter 102 - Taxation, Article III - Realty Transfer Tax and Article IV - Abatement of Real Estate Taxes (Tax Abatement for the Downtown Area - Reconsider Sunset Portion)

Ms. Cheryl Russell, City Assessor, reminded members that in August 2005, City Council approved an ordinance to extend the first time homebuyer transfer tax exemption to sellers in the downtown target area and to provide a real estate tax abatement for homebuyers in this area. The target area was defined as extending from Mary Street to Loockerman Street and from Governors Avenue to West Street. During the Committee meeting of July 11, 2005, a sunset clause was added to the ordinance to allow council members the opportunity to revisit this subject and to determine if it is a program they wish to continue.

According to the City Assessor's records, Ms. Russell advised members that no one has taken advantage of the first time homebuyer exemption for sellers in the target area and that only one (1) buyer has taken advantage of the tax abatement in this area.

Ms. Russell indicated that she was not aware of the sunset clause until approximately four (4) months ago. Staff recommended that the sunset clause be removed.

Responding to Mr. Anderson, Ms. Russell explained that the first time homebuyer transfer tax exemption applies City-wide; however, the seller portion applies only in the target area and is intended to provide an incentive. She suggested that information regarding this ordinance could be posted on the City's Website in an effort to educate the public.

Mr. Bonar questioned if the City should consider expanding the transfer tax exemption for the seller to city-wide. Responding, Ms. Russell noted that since January 2010, 44% of transfers were first time homebuyers, which resulted in approximately $230,000 in transfer tax that was exempt. Noting that the transfer tax costs are shared by both the buyer and seller, she stated that extending this benefit to sellers City-wide would result in the exemption of additional $230,000 from transfer tax.

The Committee recommended that the sunset clause be removed by adopting Proposed Ordinance #2011-17.

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. *(The First Reading of Proposed Ordinance #2011-17 will take place during the latter part of the meeting.).*

Discussion - 2010 Annual Income and Expense Report Form

Mr. Hare stated that he had received numerous calls from constituents who were concerned about the requirement for business property owners to submit a 2010 Annual Income and Expense Report, in particular the substantial amount of private and personal information being requested. As a result, Mr. Hare suggested that submission of the Annual Income and Expense Report Form be made optional with no penalty if not completed; however, if an individual disagrees with the assessment provided by the City Assessor, then completion of the form would be required.

Ms. Cheryl Russell, City Assessor, advised members that when this ordinance was originally proposed, the suggested penalty was to deny the appeal process unless this information was provided. At that time, it was the Committee's desire to institute a penalty immediately rather than waiting a year to decide what recourse the City would have if the information was not provided. As a result, the Committee included the imposition of a $100 fee.

Mr. Anderson felt that the administrative burden of collecting additional information should not be placed on those who own multiple properties and that information protected under federal privacy laws should not be required.

Mr. Hutchison and Mr. Bonar agreed that completion of the form should be optional.

Noting that the forms have already been distributed, Mr. Hare suggested that staff not pursue any action on these notices and that the $100 fee be returned to those who have already submitted it. Responding, Ms. Russell indicated that the $100 fee has already been added to the tax bill for the July 1, 2011 billing. Mr. Hare suggested that the $100 fee be maintained as a credit or returned by the City.

In response to Mr. Bonar, Ms. Russell stated that she was unsure how many owners have already paid the $100 fee; however, this fee was imposed on approximately 375 properties (of a total of 1,000).

Mrs. Traci McDowell, City Clerk, reminded members that the Committee's recommendation would need approval by City Council; therefore, the return of the $100 fee could not be accomplished until after Council's consideration of this matter.

In response to Ms. Russell, Dr. McGlumphy stated that an ordinance amendment should be prepared for presentation directly to City Council.

The Committee recommended that the 2010 Annual Income and Expense Report Form become an optional form, with no penalty if not submitted; however, if a commercial property owner does not agree with the assessed value, they would be obligated to provide all required information for the appeal, and property owners who have paid the $100 fee would receive an equivalent credit on their subsequent tax bill.

By consent agenda, Mr. Bonar moved for approval of the Committee's recommendation that the 2010 Annual Income and Expense Report Form *(Exhibit #2)* become an optional form, with no penalty if not submitted; however, if a commercial property owner does not agree with the assessed value, they would be obligated to provide all required information for the appeal, and property owners who have paid the $100 fee would receive an equivalent credit on their subsequent tax bill, seconded by Mrs. Williams and carried by a unanimous roll call vote. *(The First Reading of Proposed Ordinance #2011-19 will take place during the latter part of the meeting.)*

Discussion - Economic Development Administration by the Mayor

Mr. Anderson submitted a proposal to place the City's Economic Development Office (EDO) under the supervision of the Mayor, rather than the City Manager. He noted that research by the City Clerk's Office has indicated that making this change will require only a motion (not an ordinance). He reminded members that City Council established economic development as a primary duty of the Mayor, rather than the City Manager, and provided a brief history of the organization of the EDO. Mr. Anderson advised members that, in 2004, the constituents and Council voted in favor of a full-time Mayor, based in part on the premise that the Mayor would focus on economic development. He noted that this was formalized in former Mayor Speed's job description, which is still policy under Mayor Carey. Mr. Anderson felt that having the EDO report to the Mayor would formalize the existing relationship, eliminate the possibility of confusion from having two (2) "bosses" when a permanent City Manager is hired, provide the Mayor formal resources to achieve the objective he was given by the Council and voters in the referendum held on April 20, 2004, and provide greater accountability to the voters for results. He also felt that, since the City is in the process of hiring a new City Manager, this would be an opportune time to make such a change.

Mr. Anderson recommended that the EDO be budgeted under the Mayor's Office, with the understanding that its employees will maintain the rights typical of city departmental employees (not a political appointment), and that the Office would make regular reports to City Council on its objectives and progress.

Mr. Hare suggested that such a decision be made after a new City Manager is hired in order to obtain their input on the concept. He felt that Council should refrain from any restructuring until after the hiring of a new City Manager.

Understanding the concern relayed by Mr. Hare, Mr. Anderson stated his opinion that the EDO should have been placed under the Mayor's Office initially. In addition, he stated that making such a change at this time would clarify the selection criteria for the new City Manager, noting that skills in public utilities, management, and administration would be emphasized (rather than economic development) if the restructuring were approved.

For clarification, Mrs. Williams explained that Mr. Anthony DePrima, former City Manager, added the functions of the EDO as an addition to the economic development responsibilities performed by the Mayor. It was her opinion that the City Charter clearly indicates that economic development is a mayoral responsibility. She felt that the previous relocation of the EDO under the City Manager's supervision was an expansion of the purview and staff of the City Manager's Department. Mrs. Williams suggested that the City Charter be reviewed to determine that this change did not constitute a violation. In addition, she noted that City Council has daunting budget concerns and that there may be a need to eliminate departments that were created within the last few years, including the EDO. She suggested that action be delayed until after Council and the City Solicitor have had an opportunity to review these concerns thoroughly.

Dr. Jones suggested that a new City Manager may be reluctant to willingly relinquish responsibilities that have already been specified as his/her duty. She stated that any necessary changes should be made prior to the hiring of a new City Manager.

Mr. Leary relayed his concerns regarding any reorganization prior to the hiring of a new City Manager. He also indicated his concurrence with Mrs. Williams' suggestion that the City Charter be reviewed by Council and the City Solicitor.

Responding to Dr. Jones, Mr. Leary stated that steps have been taken to begin the process of hiring a City Manager.

Based on the Committee's discussion, Mr. Shevock suggested that this matter be tabled.

With reference to the concerns of members, Mr. Anderson stated that prior to submitting his suggestion, he conducted research. He noted that the City Charter specifically places economic development under the Mayor, rather than the City Manager; therefore, his recommendation is consistent with the Charter and not the City's current practice. He also advised members that the creation of the EDO and budget was not accomplished through an ordinance; therefore, the Office and its budget can be reorganized without an ordinance.

Mr. Hutchison reiterated his opinion that members should delay action until after a new City Manager is hired and provided an opportunity to review the organization of the City with "fresh eyes" and work with City Council on this matter.

Although he had no objection to further research, Mr. Anderson felt that such a change should be made prior to the hiring of a new City Manager.

Mr. Anderson moved to recommend that the Economic Development Office be budgeted under the Mayor's office, with the understanding that its employees will maintain the rights typical of city

departmental employees (not a political appointment), and the Office shall make regular reports to City Council on its objectives and progress. The motion failed due to the lack of a second.

The Committee recommended tabling the recommendation that the Economic Development Office (EDO) be budgeted under the Mayor's Office, with the understanding that EDO employees would maintain the rights typical of City departmental employees (not a political appointment), and that the Office would make regular reports to City Council regarding its objectives and progress, for future discussion.

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.

Public Comment Period

There was no one present wishing to speak during the public comment period.

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

EVALUATION OF BIDS - SCADA EQUIPMENT TECHNOLOGY UPGRADE

Mr. Ron Lunt, Public Utilities Director, explained that the purpose of the SCADA Equipment Technology Upgrade project is to replace antiquated and/or obsolete remote terminal units (RTUs) at sewage pumping stations. This has been an ongoing project that was started in FY 08 and will be completed in FY 13. The SCADA system monitors the pumping stations and communicates with the System Operations center when station components fail or other abnormal issues are detected. The Public Utilities Department intends to purchase six (6) RTU units. Installation and associated work is to be performed under either the existing SCADA Maintenance Contract or by staff. There will be other expenses associated with the installations, such as the radio equipment and miscellaneous hardware.

Mr. Lunt stated that these RTUs are the field components of the SCADA system, which is a proprietary system; therefore, the City is required to purchase the new RTUs from the original equipment manufacturer (OEM) Siemens Energy, Inc.

Staff recommended purchasing six (6) RTU units from the sole vendor, Siemens Energy, Inc., for a total amount of $44,190.

Mr. Anderson moved for approval of the purchase of six (6) RTU units from the sole vendor, Siemens Energy, Inc., for a total amount of $44,190. The motion was seconded by Mr. Bonar and carried by a unanimous roll call vote.

APPOINTMENTS RECOMMENDED BY MAYOR CARLETON E. CAREY, SR.

Mayor Carey requested approval of the following appointments:

Ethics Commission
Robin Case - Five (5) Year Term to Expire July 31, 2016 (*Reappointment)*
Gary Coy *(To Fill the Unexpired Term of Robert Bunnell - Term to Expire July 31, 2015)*

Dover Housing Authority
Cherritta L. Matthews - Six (6) Year Term to Expire August 15, 2017

By consent agenda, Mr. Bonar moved for approval of the appointments, as recommended by Mayor Carey. The motion was seconded by Mrs. Williams and carried by a unanimous roll call vote.

REZONING REQUEST/FIRST READING OF PROPOSED ORDINANCE #2011-18

A request was received to rezone property located at 601 Fulton Street, consisting of .486$^{+/-}$ acres, owned by Harrington Commercial, LLC. The property is currently zoned M (Manufacturing) and the requested zoning is C-3 (Service Commercial). The property is located on the north side of Fulton Street between Ridgely Street and the railroad corridor. (TAX PARCEL: ED-05-076.08-01-14.00-000, FOURTH COUNCIL DISTRICT; PLANNING REFERENCE: Z-11-05).

Prior to amending the zoning ordinances and zoning map of the City of Dover, a public hearing is required.

By motion of Mr. Anderson, seconded by Mr. Bonar, Council unanimously referred the request to the Planning Commission on August 15, 2011 and set a public hearing before City Council on September 12, 2011 at 7:30 p.m.

In accordance with Section 1-9 of the Dover Code, Council acknowledged the First Reading of the Zoning Ordinance Amendment as read by the City Clerk, by title only, 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 601 FULTON STREET.

FIRST READING - PROPOSED ORDINANCES

Council President Leary reminded the public that copies of the proposed ordinance are available at the entrance of the Council Chambers or can be obtained from the City Clerk's Office. Final action by Council on the proposed ordinances will take place during the Council Meeting of August 8, 2011.

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

- ORDINANCE #2011-17 - CHAPTER 102 - TAXATION, ARTICLE III - REALTY TRANSFER TAX AND ARTICLE IV - ABATEMENT OF REAL ESTATE TAXES (TAX ABATEMENT FOR THE DOWNTOWN AREA - RECONSIDER SUNSET PORTION)

- ORDINANCE #2011-19 - CHAPTER 102 - TAXATION, ARTICLE I - IN GENERAL, SECTION 102-5 - INCOME AND EXPENSE REPORTS AND APPENDIX F - FEES AND FINES

COUNCIL MEMBERS ANNOUNCEMENTS

Council President Leary wished Mr. Anderson and Mr. Lynn a Happy Birthday.

Mrs. Russell reminded members that the Dover Youth Advisory Committee will be holding "Dover's Fun Day" at Schutte Park on Saturday, July 30th from 11:00 a.m. to 2:00 p.m. More information will be made available soon on the City's Website and Facebook. She noted that sponsors are needed, as well as volunteers. She requested that members of Council and the public participate to support the youth of the community.

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

Meeting Adjourned at 7:53 P.M.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of July 25, 2011, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

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Exhibits Attached to Original Minutes and File Copy
Exhibit #1 - Investment Policy
Exhibit #2 - Revised 2010 Annual Income and Expense Report Form

ACTION FORM

PROCEEDING: City Council **AGENDA ITEM**
DEPARTMENT OF ORIGIN: Public Services **DATE SUBMITTED**: July 29, 2011
PREPARED BY: Ann Marie Townshend, AICP, Director of Planning and Community Development
SUBJECT: 70 Mifflin Road, 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 # 11-1668
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 City-wide in the FY-2012 Budget as approved on June 27, 2011). **FUNDING SOURCE (Dept./Page in CIP & Budget)**: 110-1600-534-30-33, page 275 of the 2012 Draft Operating Budget.
TIMETABLE: As soon as possible.
RECOMMENDED ACTION: 1. Declare this building, the pool, and the accessory building dangerous. 2. Order the property repaired or demolished by August 18, 2011 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 within (10) days of the date set by Council. 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 by Mr. Robert M Stone. This is a one-story single-family wood framed dwelling that was damaged by fire in May 2011. An inspection indicated that at least 60% of the roof was burned away, leaving most of the interior fully exposed. There is an uncovered in-ground pool in the rear yard that has no water water in it. Since the house is set back from the road with limited visibility from the road and neighboring properties, there are concerns that the inability to secure the building makes it conducive to entry and unsafe to the surrounding community. Based on these circumstances, staff if bring this property forward to City Council under the "emergency cases" provision.

Verbal contact was made with Mr. Stone on July 28, 2011, and he indicated that he is unable to demolish the structure and that he agrees it cannot be salvaged. In addition, notice of the City Council meeting has been mailed to all lien holders.

PETITION TO AMEND ZONING ORDINANCE TEXT

Public Hearing before the
Dover City Council
August 8, 2011

Proposed Zoning Change:	Amendment to Appendix B – Zoning, Article 10 – Planning Commission, and Appendix F – Fees and Fines
Summary of Amendment:	Last year, the City Council assigned two goals to the Planning Office, including streamlining of our application processes and expansion of our public notice requirements. To meet this goal, the Planning Office began a thorough review of Article 10 of the *Zoning Ordinance*. This article specifies the requirements for all applications that appear before the Planning Commission and Historic District Commission, as well as administrative plan review and amendments to the *Zoning Ordinance*. In reviewing the article, the staff worked to improve the consistency throughout sections of the article, standardize processes where possible, and streamline zoning review for small projects and changes of occupancy that do not include site disturbance. The Planning Office released a draft ordinance in late April and held subsequent meetings with the real estate, development, and engineering communities. The draft ordinance was also shared with the Historic District Commission. Overall feedback has been positive. Comments received are attached. Many of the questions asked at the outreach meetings related to the physical posting requirement. On June 13, 2011, following review by the Legislative, Finance and Administration Committee, the Committee endorsed the ordinance with the Staff recommendations regarding the comments received incorporated.
Planning Commission Recommendation:	On July 18, 2011, following a public hearing where no members of the public spoke regarding the proposed ordinance, the Planning Commission voted 7-0 in favor of recommending adoption of the ordinance with the proposed Planning Commission Amendment #1.
Ordinance Number:	2011-14
File Number:	MI-11-06
Attachments:	Excerpt from Draft Planning Commission Minutes of 7/18/2011 Summary of Proposed Changes to Zoning Ordinance Code Mark-Up Summary of Comments Received Comments Received (Including DAC Agency Comments)

Excerpt from Draft Planning Commission Minutes of July 18, 2011

MI-11-06 Text Amendment: Revisions to Article 10 of the Zoning Ordinance (Appendix B) – Public Hearing and Review for Recommendation to City Council of a series of Amendments to the Article 10 of the *Zoning Ordinance* related to the procedures and requirements for applications to the Planning Commission and Historic District Commission. The proposed changes are aimed at improving consistency within the ordinance, clarifying and streamlining review processes, removing antiquated language, and expanding public notification requirements. Ordinance #2011-14.

Mrs. Townshend provided a Power Point presentation. (See Attachment #1)

Mrs. Townshend stated what you have before you is a complete overhaul of Article 10 of the *Zoning Ordinance.* This is the procedure process for all Planning Applications except for the Board of Adjustment. It would include Conditional Use Permits, Site Development Plans, Historic District Commission and Architectural Review Certification in the Historic District and amendments to the *Zoning Ordinance* both in map and text.

Mrs. Townshend further stated that the purpose of the proposed changes is multi-purposed. One is to clarify the process and procedures for the various applications; two, to improve consistency from one application type to another; three, to help streamline the process to make things easier for the applicants and Staff to navigate; four, to improve the business friendliness of the process; and five, to expand public notification requirement.

Mrs. Townshend stated that the first thing to look at is the expiration of plans. Currently, plans expire after twelve (12) months from Planning Commission approval if construction has not commenced. Applicants have the opportunity for one twelve month extension so there is a total plan life of 24 months. What the proposal would do is extend the initial approval timeline for twenty-four months so from when this body takes action with one twelve (12) month extension taking the total plan life from twenty-four (24) months to thirty-six (36) months. Site Development Master Plans would remain active for five (5) years provided that construction has started within two (2) years of approval. The amendment would also clarify the expiration of Architectural Review Certificates which is not specified in the current Ordinance and would remove the expiration of Rezoning applications. With regards to the extension of previously done Rezoning's, the whole idea of reverting to the prior zone would go away. The thought process there is when you do a Rezoning there is a finding of fact that indicates that regardless of what use proposed is the zoning is appropriate for the site. In addition, in accordance with State law, we do a Comprehensive Rezoning every five (5) years so if there is something that needs to be changed, we have the opportunity every five years with the Comprehensive Plan and then the Comprehensive Rezoning.

Mrs. Townshend further stated that with regards to the public notice requirements, this has changed since they went through the process. Currently, a mailed notice is sent to all property owners within 200 feet of the subject property at least ten (10) days prior to the Planning Commission or Historic District Commission meeting. What we are proposing at this point is that the mail notice be mailed to all property owners within 200 feet fifteen (15) days prior to the meeting. The newspaper ad currently runs ten (10) days prior to the Planning Commission or Historic District Commission meeting, and again we are looking at changing it to fifteen (15) days. Currently, there is no physical posting required. What is being proposed is that physical posting be placed in a conspicuous location on the subject property at least fifteen (15) days prior to the Planning Commission meeting. In a subsequent agenda item this evening, we have what we are proposing in terms of the policy for this physical posting to discuss.

Mrs. Townshend further stated that the big change in terms of where we initially were and where we are is the original version of this is the Ordinance had expanded the mailing distance to 300 feet. After review with the Business Community, Real Estate Community, and the Legislative Finance and Administration Committee, this was kept at 200 feet where it is now.

Mrs. Townshend further stated with regards to Conditional Use and the changes you will see is it sets different requirements for Conditional Use involving Site Plans versus not involving Site Plans. One of the things that we continually struggle with in the Planning Office is if there is a Conditional Use application where they are only changing the use and there is nothing in terms of the site that is being proposed to change and there is nothing specified in the Ordinance as to what they need to submit that is different. The idea is that you have a site where they are not paving anything, not adding any paving, and they are not adding any buildings; it is just that the use needs the review. The set of requirements for what they need to submit is specified in that proposal differently from if they were building as an example, apartments. We tried to break out what is required for Conditional Use versus Conditional Use Site Plan.

Mrs. Townshend further stated that we set forth a clear process for revocation of the Conditional Use. When we had the issues come up with the House of Pride, there was no clear process for revocation. Staff did what we felt is a good due process and have tried to build that into the proposal that we have brought forward. It requires a description of the proposed use as well. Sometimes with a Conditional Use it is a grey area and we need to know exactly what they are proposing so that the Planning Commission and the public know at the time of approval exactly what the Conditional Use is.

Mrs. Townshend further stated with regards to the Site Development Plan, currently there are three types of review; this would add a fourth type of review. The Planning Commission Site Plan is what you see every month and the Site Development Master Plan for larger projects. We currently have Administrative Site Plans below the threshold of coming to the Planning Commission; however, they go through the same administrative process. They just do not have the public process side of it. What Staff has proposed to do is add a Zoning Review for things where there is no physical alteration of the property. For instance, an office going into where a retail used to be, we would conduct a Zoning Review to ensure that the zoning allows the use and make sure that it doesn't create any non-conformities; however, it would not require an Administrative Site Plan which has created a problem when things try to change out in shopping centers and they come in we tell them they need a Site Plan. This would improve our interaction with the business community especially the small business owners that are simply trying to open a business that is allowed at the location. The Zoning Review would essentially simplify things for those folks.

Mrs. Townshend further stated that another change is the change of threshold for Planning Commission review. Currently, if you are adjacent to a residential use and are greater than 500 square feet of disturbance, it comes to the Planning Commission. Staff is proposing to raise the threshold to 1,500 square feet because there have been some very minor things that would come to the Planning Commission due to disturbance that really are minor in nature. Every other threshold would remain the same. With the Historic District Commission and the Architectural Review Certification, it is currently vague or unclear as to which Architectural Review Certificate can be issued by the Planner versus which need to go to the Historic District Commission for approval. We have broken it out by approval by the Planner, approval by the Historic District Commission, and then the recommendation of the Historic District Commission to the Planning Commission. In terms of what would be recommended by the Historic District Commission to the Planning Commission, this does not change, demolition and construction

which is the main things that this Commission sees. It also clarifies "Demolition by Neglect" and the due process for the property owner and in the case that we are taking forward. This is something that this Commission has not seen. We have had some buildings that we have had to take to the Historic District Commission under the "Demolition by Neglect" provisions and there is nothing in the Code that requires that we notify the property owner or hold any type of hearing. We have added those provisions in what we have as the proposed Ordinance.

Mrs. Townshend stated with regards to the amendments to the *Zoning Ordinance.* Staff has tried to break it out in terms of three (3) specific processes for the three (3) different types of amendments you would expect. One would be the map amendment by application which is the applicant who comes in for Rezoning. They want to rezone their property and this gives them a process as well as a public notification process. The other would be an amendment to the Zoning Text which essentially would be either brought forward by Staff or brought forward by three (3) sponsors of City Council. Because we are adding the idea of physical posting and mailing, it is very clear that the Text Amendments go in the paper. This will make it very clear as to what the requirements are for a Text Amendment versus a map amendment. We also wanted to firm up the process for the Comprehensive Map Amendment following the Comprehensive Plan or other formal study. We added "other formal study" in there because there could be other things other than a Comprehensive Plan. Staff is working on the Dover Air Force Base ALCUZ Study. Staff will likely be bringing changes forward to the Airport Environs Overlay Zone based on that study that came out by the Base. The idea is that this is a Comprehensive Rezoning and is handled in a way that is different from applicants bringing forward a Rezoning application.

Mrs. Townshend further stated with regards to public outreach, Staff has worked very hard with a lot of affected communities to make sure we are getting this right. In April, we presented a presentation to the Historic District Commission of the areas in the Ordinance that relate to their prevue. On May 3, 2011 Staff held a meeting where we invited engineers, lawyers, realtors, developers, and home builders that was held at the Police Station where we received some feedback at that meeting. On May 19, 2011 Staff met with ACEC Consulting Engineers who also brought forward some suggestions. On May 25, 2011 Staff met with the Kent County Association of Realtors and then on June 10, 2011 with a number of land use attorneys who had a number of good ideas on how we could clarify some of the language. On June 13, 2011 it went to the Legislative, Finance and Administration Committee and some final changes were incorporated at that point.

Mrs. Townshend further stated that there is a table provided in your packet that summarizes the comments that have been received and the changes that were made and reflected in terms of what Staff has done with the various comments. Staff added back language that had been suggested for removal regarding the Historic District Commission reporting annually. We changed the mailed public notice distance from 300 feet to 200 feet which is essentially leaving it the way that it is and not expanding it as previously suggested. Coming out of the meeting with the attorneys, they brought forward a number of good suggestions on where we could clarify some of the language. Also included in your packet was the feedback that has been provided to Staff.

Mr. Tolbert questioned with regards to leaving the notification at 200 feet, the Planning Staff recommended that it go to 300 feet; is this the case? Responding to Mr. Tolbert, Mrs. Townshend stated that the initial proposal indicated 300 feet. Part of that was in response to instructions from City Council to her to expand it. The feedback that we received from the development community was to keep it at 200 feet. Staff does believe that 200 feet is adequate from the beginning and that physical posting will hit more people than the expanded mailing

would. The reason it was changed to 300 feet was because we were specifically instructed to increase the mailing distance. 300 feet was the largest distance that we could find anywhere in the State of Delaware. 200 feet is standard and is what we saw most frequently.

Mr. Tolbert further stated that we have had instances where people have come in complaining that they have not received notices within the 200 feet. Responding to Mr. Tolbert, Mrs. Townshend stated that if they are within 200 feet and they did not receive the notice, we always verify that it was mailed as we have the mailed receipts. There were some cases where they stated they did not get the letter and we were able to find a signed green receipt so someone else in the home may have signed for it. Part of the issue that we will always have is no matter where you draw that line at 200 feet, 300 feet, or 1,000 feet, there is always going to be someone right on the other side of that line who will say that they did not know about it. Staff believes that the physical posting of the property that will be a bright color will be noticeable to people who are driving or walking by that is going to pick up more people than expanding the public notice mailing.

Mr. Hemmig stated that he agrees with the 300 feet.

Mr. Baldwin questioned what Staff hoped to accomplish by going from ten (10) days to fifteen (15) days notification because to him it would give people additional time to lose things. Responding to Mr. Baldwin, Mrs. Townshend stated that part of the issue with certified mail is the post office will try delivery and if you are not there, they will not leave it. It will go back to the post office. If it is mailed ten (10) days prior and say it takes three (3) days then you are already up to seven (7) days before and you are not home, you are not going to get it you would have to physically go to the post office and sign for it. There have been some cases where people have stated that they did not find out about the meeting until four (4) days prior because of the logistics of certified mail. The primary reason is because in the State Code, the requirement for the newspaper ad is fifteen (15) days prior to the meeting not ten (10). Our sense is that consistency is important.

Colonel Welsh stated that the more notice that you give people the better off you will be. You have people that would like to come to the meeting for whatever reason or to be heard and they are unable to change their plans because of such short notice.

Mr. Nichols stated that after having taken an hour to read through all of these sheets the only thing he really found out was that Colonel Scrafford really was not sure if they were going to have a Historic District Commission at all.

Colonel Welsh stated that he thinks that Staff has done an excellent job with this. It does make sense to give, particularly in today's economy, developers an opportunity to have an extended period of time without having to go through the expense and inconvenience of having to reapply. Mr. Hemmig questioned the clarification on the Conditional Use with regards to Site Plans. An example of where these may have affected us in our decisions was on Forrest Street just past the Capital School District offices where there was a house that we considered Conditional Use for a daycare. We turned it down I believe because it had a single driveway in and out to the back rear parking. He does not know that they would have known about that Conditional Use application had we not had something in front of us to show us. Responding to Mr. Hemmig, Mrs. Townshend stated that they would still have to show the Plan. The difference is in terms of if it is a Conditional Use Site Plan where they would have to do the tree planting, sidewalk and site improvements. If it is just the use, you would look at the site; however, not necessarily be making improvements to the site unless that were a conditional of the approval.

Mr. Hemmig further stated that we had a similar situation out on Webbs Lane with the Delaware State News where there were two buildings and one was being used as something else and there were issues with sidewalks. Would we have known that under this new idea? Responding to Mr. Hemmig, Mrs. Townshend stated that you would still get all of that information. The main thing is it gives you the ability to accept certain existing conditions rather than look at it as if it is new development. One of the challenges is with some of the Conditional Uses where it is truly just the occupant of the building if it makes sense with that occupancy to require additional parking or require a sidewalk that would be okay; however, it would give you the ability to accept certain existing conditions because you are only looking at the use.

Mr. Hemmig further questioned if they would be restricted from looking at the other things that we would be able to look at if it was a Site Plan? Responding to Mr. Hemmig, Mrs. Townshend stated that no because essentially it is primarily what they are turning in. If you start on Page 5 of 33 on the all-black ink version of the Ordinance starting with line 176 this starts the process. If you look at the legal data and all of the things that are required, it takes you all the way down to line 247. You are still getting everything; it is just what they would need to add to the site.

Mr. Hemmig further stated with regards to the 200 feet versus 300 feet, as Mr. Tolbert pointed out, we have occasionally had someone within the 200 feet who said that they did not get notified. However, more times than not, we have had people who are just outside the 200 feet that are still close enough to be strongly be affected by whatever development there is. He was very much in favor of the 300 feet and it appears that the City Council also was initially. Did the business community give you enough grief and you backed off of it? Responding to Mr. Hemmig, Mrs. Townshend stated that there was a significant change in City Council from the time that direction was given to Staff.

Mr. Hemmig further stated that what concerns him the most is if you have a development that is near a residential area and you have large residential lots 200 feet might include one, maybe two away; however, the third house may be just as affected. It becomes more important when you have more close up residential squeezed in where the lots are 50 feet and you go out 200 feet you might get three or four; however, the fifth person is still close enough to be affected. He feels that 200 feet does not make sense.

Colonel Welsh stated that it makes sense that the developers would oppose expanding that radius because people are not going to come here on their own to speak for the proposal. If you expand that radius by 300 feet, you are bringing more people in who would be opposed to the development. Whose expenses are the mailings? Responding to Colonel Welsh, Mrs. Townshend stated that it would be the applicants and it is probably the bulk of the issue. It depends on the size of the subject property and the size of the parcels surrounding it.

Mr. Albert stated that if the mailing list is located Downtown, most mailing lists are between 30 and 50 properties if it is a large development. One thing you have to remember in looking at this is that when you expand the radius on the circle, the area that you are getting is not going up proportionately; it is going up exponentially. In his opinion, in preparing these lists every single month for all of the applications, 300 feet becomes burdensome. He is not advocating for either side; however, he sees every list. There are maybe a couple of times when large residential properties are adjacent to things and maybe the entire neighborhood should be notified; however, hopefully the physical posting will address that concern because anyone who goes near there will see the sign. The other component would be the newspaper notification that will be the catchall for the rest.

Colonel Welsh stated that we have come a long ways in easing the burden on the developer, the people who are investing the money in the community. Maybe we should try this notice for a while and see how that works. If we find we are still getting complaints, then maybe next year we consider extending it to 300 feet.

Mr. Tolbert stated that when people are not notified formally, do they assume that they can't come in and make comments on the project? Have you found that to be the case? Responding to Mr. Tolbert, Mrs. Townshend stated that they have not found this to be the case. If anyone calls our office and asks any questions, we encourage them to look at the file and we will sit down with people and go through the Site Plan with them. We always encourage people if they have any concerns at all to either be here at the meeting or put their concerns in writing. We don't want things to go through and have people unhappy because they felt they did not have the opportunity.

Mr. Hemmig questioned if there is anything on the website that encourages people to attend these meetings? Responding to Mr. Hemmig, Mrs. Townshend stated that we could certainly put something on the website.

Mr. Hemmig further questioned if we notify any Homeowners Associations that a development is coming in so that we can get it to all of the people in the community? Responding to Mr. Hemmig, Mrs. Townshend stated that we do not. The problem in doing that would be that we cannot do it consistently because we do not necessarily have contact information for each of the associations. If we cannot do it consistently, it puts us in a legal bind.

Mr. Hemmig opened a public hearing and after seeing no one wishing to speak closed the public hearing.

Mrs. Townshend stated that if there are any amendments that the Planning Commission would like to see, that you put those in the form of a motion first and vote on them and then vote on the overall. Mr. Hemmig brought up to her that in lines 295 to 297 there is some awkwardly worded stuff that we might need to change. Staff will be bringing forward an amendment to change that to read "Site Development Plans shall be subject to review and approval by the Planning Commission if they meet the following thresholds:"

Colonel Welsh moved to amend Lines 295 to 297 to read as stated by Mrs. Townshend, seconded by Mr. Nichols and the motion was unanimously carried 7-0 with Mr. Friedman and Mr. Ambruso absent.

Colonel Welsh moved to forward to City Council approval of MI-11-06 Text Amendment: Revisions to Article 10 of the Zoning Ordinance (Appendix B) with the recommended amendment, seconded by Mr. Tolbert and the motion was unanimously carried 7-0 with Mr. Friedman and Mr. Ambruso absent.

Proposed Changes to Zoning Ordinance – Article 10 Planning Commission

July 18, 2011

Planning Commission Meeting

Article 10 – Planning Commission

- Procedures for Planning Applications
  - Conditional Use Permit
  - Site Development Plans
  - Historic District Commission/Architectural Review Certification
  - Amendments to the *Zoning Ordinance* (maps and text)

Purpose of Proposed Changes

- Clarify Process and Procedures
- Improve Consistency
- Streamline Process
- Expand Public Notification

Expiration of Plans

Current	Proposed
Plans expire after 12 months	Plans would expire after 24 months
Opportunity for one 12-month extension	Opportunity for one 12-month extension
Total plan life of 24 months	Total plan life of 36 months
Site Development Master Plans would remain active for 5 years, provided construction has commenced within two years of approval.	
Amendment would clarify expiration of Architectural Review Certificates	
Amendment would remove expiration of rezonings	

Public Notice Requirements

Media	Current	Proposed
Mailed Notice	Sent to all property owners within 200 feet of subject property at least 10 days prior to Planning Commission or Historic District Commission meeting	Sent to all property owners within 200 feet of subject property at least 15 days prior to Planning Commission or Historic District Commission meeting
Newspaper Ad	In one local newspaper at least 10 days prior to Planning Commission or Historic District Commission meeting	In one local newspaper at least 15 days prior to Planning Commission or Historic District Commission meeting
Physical Posting of Property	Not currently required	Notice posted in conspicuous location on subject property at least 15 days prior to Planning Commission meeting

Conditional Use Permit

- Sets different requirements for Conditional Use applications involving site plans vs. those not involving site plans
- Sets forth clear process for revocation of Conditional Use Permit
- Requires description of proposed use

Site Development Plan

- Creates 4 types of review
  - Planning Commission Site Plan
  - Site Development Master Plan
  - Zoning Review (new)
  - Administrative Site Plan
- Zoning review would streamline/simplify certain activities that currently are required as Administrative Site Plan

Site Development Plan

- Change of threshold for Planning Commission review
  - Adjacent to residential would go to Planning Commission if greater than 1,500 SF disturbance
  - Other thresholds remain the same

Historic District Commission

- Three types of Architectural Review Certification (ARC):
  - Approval by City Planner
  - Approval by Historic District Commission
  - Recommendation by Historic District Commission to Planning Commission
- Clarifies “Demolition by Neglect”

Amendments to the Zoning Ordinance

- Establishes three amendment types
  - Map amendment by application (rezoning)
  - Amendment to zoning text (text amendment)
  - Comprehensive map amendment following Comprehensive Plan or other formal study (comprehensive rezoning)

Public Outreach on Proposal

- April 21, 2011 – Presentation to Historic District Commission
- May 3, 2011 – Meeting with Interested Parties (engineers, attorneys, developers, realtors, etc.)
- May 19, 2011 – Meeting with ACEC (Consulting Engineers)
- May 25, 2011 – Meeting with Realtors
- June 10, 2011 – Meeting with Land Use Attorneys
- June 13, 2011 – Legislative, Finance & Administration Committee

Results of Public Outreach

- Added language about annual report of Historic District Commission
- Changed mailed public notice distance from 300 feet to 200 feet (leave as currently required)
- Language clarifications

Summary of Proposed Changes to Zoning Ordinance
Article 10 – Planning Commission

Background

Article 10 of the *Zoning Ordinance* includes the processes and procedures associated with Planning Office, Planning Commission, and Historic District Commission applications, as well as the procedure for amending the *Zoning Ordinance*. Application types included in this Article include Conditional Use Permits, Site Development Plans, Architectural Review Certificates, and Zoning Map Amendments.

Over the past nine months, the Planning Office has been reviewing the provisions of Article 10 and developing proposed changes aimed at improving consistency within the ordinance, streamlining review processes, removing antiquated language, and expanding public notification requirements.

Because the review of Article 10 is extensive and detailed, this summary is provided in effort to highlight the changes so that they may be more easily reviewed and understood.

Overview of Proposed Changes

Consistency in Wording and Process
For all applications for Conditional Use Permits, Site Development Plans, Architectural Review Certificates, and Amendments to the Zoning Map, the following steps in the process are made consistent with practice and with each other.

- Pre-application Meeting – References to "presubmission conference" are replaced with "pre-application meeting." In areas where code does not reference either of these, the pre-application meeting is added.
- City Planner Report – Several existing sections call for a report of the building inspector. This was replaced with the City Planner's Report, which is the report of the Development Advisory Committee. Consistent language is added for all application types.
- Notice of Decision – Language is added for all application types stating that the City will issue a notice of decision to the applicant.
- Amendments to Plans – Currently the ordinance reads that amendments "shall be acted upon in the same manner as the original plan." The proposed ordinance would make this the case for substantial amendments. Amendments deemed by the City Planner not to be significant may be referred to the Planning Commission at the discretion of the City Planner without requiring a new public hearing. This is consistent with current practice. If we were to hold to the letter of the current ordinance requirements, all amendments would be subject to public hearing. Substantial amendments would continue to be subject to a public hearing.

- Final Plans – For Conditional Use Permits and Site Plans, the proposal adds language regarding completing the final plans following the Planning Commission's approval, which includes obtaining agency approvals.

Expiration of Plans

Currently, Conditional Use Permits and Site Development Plans expire after one year following Planning Commission approval if construction has not commenced. The current ordinance allows for one 12-month extension. The proposed ordinance would have plans expire two years after Planning Commission approval if construction hasn't commenced. It would also allow for one 12-month extension. This would extend the life of Conditional Use Permits and Site Development Plans from two years to three years. The proposed ordinance would also clarify the timeframe for expiration of recommendations of the Historic District Commission regarding Architectural Review Certificates.

Additionally, amendments to the Zoning Map (rezoning) expire after one year under the current provisions, unless an extension is granted by City Council. The proposed ordinance would remove this provision.

Public Notice

The table below compares the current public notification requirement with what is proposed for Conditional Use Permits, Site Development Plans, and Architectural Review Certificates.

Media	**Current**	**Proposed**
Mailed Notice	Sent to all property owners within 200 feet of subject property at least 10 days prior to Planning Commission or Historic District Commission meeting	Sent to all property owners within 200 feet of subject property at least 15 days prior to Planning Commission or Historic District Commission meeting
Newspaper Ad	In one local newspaper at least 10 days prior to Planning Commission or Historic District Commission meeting	In one local newspaper at least 15 days prior to Planning Commission or Historic District Commission meeting
Physical Posting of Property	Not currently required	Notice posted in conspicuous location on subject property at least 15 days prior to Planning Commission meeting

The draft proposal also clarifies the public notice requirements for Comprehensive Rezonings and Zoning Text Amendments.

Proposed Changes to Conditional Use Permit Requirements

- Clarifies different requirements for a Conditional Use Permit requiring Planning Commission Site Development Plan Approval and a Conditional Use Permit not requiring Planning Commission Site Development Plan Review.
- Sets forth clear procedures for revocation of a Conditional Use Permit, which includes a public hearing to be advertised by the City.
- Requires that a description of the proposed use accompany the Conditional Use Permit application.

Proposed Changes to Site Development Plan Requirements

- Sets four types of reviews and the processes for each:
    - Planning Commission Site Plan
        - New buildings or building additions of 3,000 SF or greater (same as current)
        - Addition of 5,000 SF of impervious cover (same as current)
        - Non-residential site plans that includes more than 1,500 SF of disturbance (current threshold set at 500 SF)
    - Site Development Master Plan
    - Zoning Review
        - New process – Currently these projects are required to be reviewed as an Administrative Site Plan
        - No building or impervious cover expansion proposed
        - Change of use within existing building
        - Review with building permit review
    - Administrative Site Plan
        - New buildings, building additions, impervious cover, or disturbance below the Planning Commission Site Plan thresholds
        - Same as current Administrative Site Plan Process

Historic District Commission

- Clarifies three types of Architectural Review Certification:
    - Review and approval by City Planner at building permit submission
    - Review and approval by Historic District Commission
    - Review and recommendation by Historic District Commission for final action by the Planning Commission
- Clarifies process for amendments to the boundary of the Historic District
    - Public hearing before the Historic District Commission
    - Notice of hearing in newspaper and mailed to affected property owners and owners of properties within 300 feet of affected properties – all 15 days prior to Historic District Commission Hearing
- Clarifies the procedures for "Demolition by Neglect" determination.

Amendments to the Zoning Ordinance

Establishes clear processes for applications to amend the Zoning Map (rezoning), amendments to the Zoning Map as a result of a Comprehensive Rezoning, and amendments to the Zoning Text.

Code Mark-up Document

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ARTICLE 10. PLANNING COMMISSION

Section 1. Approval of conditional uses.

On application and after public notice and hearing, the commission may authorize the issuance by the city planner of permits for any of the conditional uses for which this ordinance requires, in the district in which such use is proposed to be located~~, the approval of such use by the planning commission~~. In approving any such use, the planning commission shall take into consideration the public health, safety and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and may prescribe appropriate conditions and safeguards as may be required in order that the results of its action may, to the maximum extent possible, further the expressed intent of this ordinance and the accomplishment of the following objectives in particular:

1.1 Accessibility for ***emergency response*** ~~fire and police protection~~. That all proposed structures, equipment or material shall be readily accessible for fire***, ambulance,*** ~~and~~ police***, and other emergency response*** ~~protection~~;

1.2 Harmony of location, size and character. That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the zone in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties;

1.3 Residential zones. That, in addition to the above, in the case of any use located in, or ~~indirectly~~ adjacent to, a residential zone:

a. The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, the said residential district or conflict with the normal traffic of the neighborhood; and

b. The location and height of buildings, the location, nature and height of walls and fences, ~~and~~ the nature and extent of landscaping***, and other improvements*** on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

1.4 ***Conditional use p***~~P~~ermits.

a. Conditional use approval. Any use for which a conditional use permit may be granted shall be deemed to be a conforming use in the district in which such use is located, provided that:

1. The provision in this ordinance under which such permit was issued is still in effect;

2. Such permit was issued in conformity with the provisions of this ordinance; and

3. Such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

b. Periodic renewal of conditional use permit. The commission may require that conditional use permits be periodically renewed. Such renewal shall be granted following ~~due~~ public notice and hearing ***in accordance with subsection 1.53.*** ~~, and may be withheld only~~ ***The commission may withhold approval of the renewal*** upon a determination by the city planner to the effect that such conditions as may have been prescribed by the commission in conjunction with the issuance of the original permit have not been, or are being no longer, complied with. ~~In such cases, a period of 60 days shall be granted the applicant for full compliance prior to the revocation of the said permit.~~

~~Any use for which a conditional use permit may be granted shall be deemed to be a conforming use in the district in which such use is located, provided that:~~

~~a. The provision in this ordinance under which such permit was issued is still in effect;~~

~~b. Such permit was issued in conformity with the provisions of this ordinance; and~~

~~c. Such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.~~

c. Revocation of conditional use permit. If the city planner determines that the conditions prescribed by the commission in conjunction with the issuance of the conditional use permit have not been, or are no longer complied with, he shall initiate the process for revocation of the permit according to the following procedure:

1. The city planner shall notify the permit-holder in writing of the noncompliance with the permit conditions and allow the permit-holder 30 days to comply with the permit conditions.

2. If, after 30 days, the city planner determines that the permit-holder has not come into compliance with permit conditions, he shall notify the

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permit-holder that the planning commission will hold a public hearing on revocation of the conditional use permit.

3. The planning commission shall hold a public hearing for which notice shall be completed by the planning office in accordance with the provisions of section 1.53 of this article.

3. Following the public hearing, the planning commission shall take action in the following regard:

a. Revoke the conditional use permit.

b. Issue a probationary period after which the commission shall review the permit in accordance with the provisions regarding periodic renewal of conditional use permit.

c. Determine that the conditional use may continue as initially authorized.

1.5 Application procedure.

1.51 Preapplication Meeting. Prior to the submission of a conditional use application, the applicant or his representative shall meet in person with the city planner or his designee with a sketch plan. The purpose of this meeting shall be to discuss proposed uses or developments and to review the process and submission requirements.

1.52 ~~1.51~~ *Application.* Application for a conditional use permit shall be submitted ~~in triplicate~~ to the city planner, on forms approved by the planning commission, at least 30 days prior to the planning commission meeting at which approval of the permit is to be requested.

~~1.52~~ Each application for a conditional use permit shall be accompanied by a fee as provided for in Appendix F--Fees and Fines.

1.53 *Public hearing.* Prior to the review and action on the conditional use *permit* application, the commission shall hold a public hearing *subject to the following public notification procedures:* ~~to be advertised by the applicant~~

(a) The applicant shall advertise the public hearing in a newspaper of general circulation at least *15* ~~ten~~ days prior thereto.

(b) The applicant shall notify by mail all property owners within *300* ~~200~~ feet of the extreme limits of the *subject* ~~site plan~~ property as their names appear on the municipal tax record at least *15* ~~ten~~ days prior thereto.

(c) The applicant shall post a notice outlining the date, time, place, and nature of the hearing in a conspicuous location on the property at least 15 days prior to the planning commission hearing. Such notice shall be designed in accordance with standards set forth by the planning commission.

(d) The applicant shall provide the ***planning office*** ~~commission~~ with a copy of the notice, verification of newspaper publication, ***a date-stamped photo of the property posting,*** and post office ***mail*** ~~return~~ receipts ***indicating the date of mailing*** for all letters on or before the meeting date.

(e) Said notices shall state the ***date,*** time and place of the hearing, ***the site location,*** a brief description of the ***conditional use*** ~~site plan~~ and shall state that a copy of the conditional use application and plan is filed with the planning ***office*** ~~department~~ for public review.

1.54 ***City planner report. For each application for a conditional use permit, the city planner shall issue a report to the planning commission including comments from other agencies and detailing how the application conforms to the requirements of the zoning ordinance and other provisions of city and state codes.*** ~~The city planner shall certify on each application for a conditional use permit whether or not the application meets the requirements of all zoning ordinance provisions other than those of this section regarding conditional use permit approval.~~

~~1.55~~ ***a.*** The city planner shall ***transmit*** ~~retain one copy and transmit two~~ copies of the ***report and summary of the application*** ~~certified conditional use permit application~~ to the planning commission ~~or its representative~~ at least seven days prior to the date of the meeting at which approval of the permit is to be requested.

~~1.56~~ ***1.55 Planning commission action.*** The planning commission shall act to approve or disapprove any such request for a conditional use permit within 45 days after the meeting at which approval is requested or within such additional time as may be consented to by the applicant. ~~Failure to act within 45 days or the additional time consented shall be deemed approval.~~ Planning commission disapproval shall include written findings upon any element found contrary to the provisions or intent of ~~this~~ ***the*** zoning ~~code~~ ordinance.

1.56 Notice of decision. The planning office shall send the applicant a letter notifying the applicant of the planning commission's decision on the conditional use permit application. Such letter shall document any conditions and waivers approved as part of the application approval. Whenever the planning commission denies an application for conditional use, such application for conditional use, or an application on the same property which is substantially similar, shall not be accepted for consideration by the planning commission sooner than one year from the date of denial.

~~1.57~~ ***1.57 Amendments. Substantial*** ~~A~~***a***mendments to ~~or renewals of~~ conditional use permits shall be acted upon in the same manner as the original request for a conditional use permit. ***The city planner shall review proposed amendments to determine if they are substantial in nature. Amendments that are not deemed substantial may be***

referred to the planning commission for consideration at the discretion of the city planner.

~~**1.58**~~ ***1.58 Transfer of property.*** If the property is sold by the applicant or by any affiliated member of a single corporate family of which the applicant or its parent company is a member, after approval of the conditional use but before the proposed use or construction of the proposed use is started, or if, within ***24 months*** ~~**one year**~~ of the approval, the proposed use or construction of the proposed use is not undertaken by or for the applicant or any affiliated member of a single corporate family of which the applicant or its parent company is a member, the conditional use approval shall be null and void, unless an extension of time is granted by the planning commission.

~~**1.59 Whenever the planning commission denies an application for conditional use, such application for conditional use, or an application on the same property which is substantially similar, shall not be accepted for reconsideration by the planning commission sooner than one year from the date of denial.**~~

1.59 Final plans and working drawings. Following approval by the planning commission, the applicant shall develop final conditional use permit plans for approval by the planning office. The planning office shall determine that all necessary approvals have been issued by city departments, and outside regulatory agencies, prior to issuing final plan approval. No building permit shall be issued until such time that the planning office has issued final conditional use permit plan approval.

1.60 Expiration of planning commission approval.

(a) Conditional use approval shall expire on the last day of the ***24th*** ~~**12th**~~ month after the date of final or conditional approval of the planning commission, if construction of the work authorized or use permitted has not started or unless an extension of time is applied for by the applicant and granted by the planning commission. Approval shall also expire if the construction of work authorized has stopped for a period of one year, unless an extension of time is applied for and granted by the planning commission.

(b) ***Requests*** ~~**Application**~~ for extension of approval shall be made no later than 30 days prior to the final approval expiration date. Upon receipt of such ***requests*** ~~**application**~~, the matter shall be considered at the next regularly scheduled meeting of the planning commission.

(c) In considering a request for an extension of approval, the planning commission shall consider, but not be limited to, the following:

1. Whether the project has been delayed for reasons beyond the control of the applicant, excluding economic or financial reasons.

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2. Whether the applicant has made substantial progress toward obtaining final approvals.

~~2. Whether the project is of a minor size and scale.~~

3. Whether there has been any significant changes in the surrounding neighborhood.

4. Whether there has been any related amendments to the zoning map or text, or the comprehensive plan, or if any waivers or variances have been granted.

(d) *Requests* ~~Applications~~ for extensions shall be submitted *in writing* to the *planning office* ~~city by completing an application for extension approval form, which may be obtained in city hall~~.

(e) Under no circumstances shall the planning commission grant extensions beyond *36* ~~24~~ months from the date of first approval.

1.6 **Submission requirements for conditional use permits requiring site development plan approval by the planning commission.** ***The following*** submission requirements ***shall*** accompany applications for conditional use permits ***where site development plan approval by the planning commission is required by section 2.1 of Article 10***. The applicant shall cause a site map to be prepared by a civil engineer, surveyor, land planner, ***or*** architect ~~or other competent person~~. The applicant shall submit ~~15~~ copies of the site map to the ***city planner*** ~~building inspector~~, who shall ~~retain one copy and~~ transmit ~~nine~~ copies to the planning commission ~~or its representative~~ at least seven days prior to the meeting at which approval of the permit is to be requested. Elements to be included on the site map are listed below:

1.61 Scale and dimensions. The map shall be at least *11* ~~18~~ inches by *17* ~~26~~ inches~~, but not more than 24 inches by 36 inches~~ and at a scale of ten, 20*, 30* or 40 feet to the inch, except that if the property has a maximum dimension over 900 feet, a scale of 50 feet to the inch may be used.

1.62 Legal data:

(a) ***Tax parcel identification number.*** ~~Lot, block, and section number of the property~~.

(b) Name and address of the owner of record.

(c) Name and address of the equitable owner, if any.

(d) Name and address of the person, firm or organization preparing the map.

(e) Date, north point and written and graphic scale.

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(f) Sufficient description of information to define precisely the boundaries of the property and that portion of the property for which a conditional use permit is requested, and the approximate total acreage of that portion of the property for which a conditional use permit is requested. All distances shall be given in feet and tenths of a foot. All angles shall be given to the nearest ten seconds or closer. The error of closure shall not exceed one in 10,000.

(g) The locations, names and existing widths of adjacent street rights-of-way and curblines.

(h) The locations and owners of record of all adjoining lands.

(i) Location, width and purpose of all existing and proposed easements, setbacks, reservations and areas dedicated to public use within or adjoining the property.

(j) A complete outline of existing or proposed deed restrictions or covenants applying to the property and recital of the deed references if they are of record.

(k) Existing zoning, including two location maps, one at a scale of 1,200 feet to the inch, and one at a scale of 400 feet to the inch, showing the distance along all adjacent roads to the nearest intersection.

1.63 Existing structures.

(a) Location of uses and outlines of structures, drawn to scale on or within 100 feet of the property.

(b) Paved areas, sidewalks and vehicular access between the site and public streets.

(c) Other existing development, including fences and landscape screening.

1.64 Proposed use:

(a) A written description of the proposed use.

(b) ~~**(a)**~~ A designation of that portion of the existing structures to be devoted to the proposed use and for which a conditional use permit has been requested.

(c) ~~**(b)**~~ A designation of that portion of the property to be devoted to the proposed use, not requiring structures and for which a conditional use permit has been requested.

(d) ~~**(c)**~~ A designation of the parking area and indication of the number of off-street parking spaces.

(e) ~~**(d)**~~ Indication of on-site circulation pattern and access to the property from adjacent roads.

1.65 Proposed development:

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(a) Conditional use applications involving construction of new buildings and structures shall include a site plan which reflects compliance with the minimum requirements of article 10, section 2.5~~4~~ of this ordinance.

1.66 Natural features:

(a) Topography of the site.

(b) Location of different soil types, as indicated by the Soil Survey of Kent County prepared by the Natural Resources Conservation Service. The soils information shall be supplemented by soil boring and percolation test data requested by the city.

(c) Location of flood hazard areas ***as identified on the FEMA flood insurance maps***.

(d) Location of significant natural features, including, bodies of water, wetlands and forest areas.

1.67 Requested information: Full and complete information requested by the ***city*** planner in accordance with the development information requirements set forth in article 10, section 4.

1.68 Miscellaneous information: Other information deemed by the planning commission to be necessary to determine conformity with the intent of this ordinance.

1.7 **Submission requirements for conditional use permits where site development plan approval by the planning commission is not required.** ***The following submission requirements shall accompany applications for conditional use permits where site development plan approval by the planning commission is not required by section 2.1 of this article, where the applicant is seeking conditional use approval to occupy an existing structure. The applicant shall submit copies of the site map conforming to the specifications listed below to the city planner, who shall transmit copies to the planning commission at least seven days prior to the meeting at which approval of the permit is to be requested. Elements to be included on the site map are listed below:***

1.71 **Scale and Dimensions.** ***The map shall be at least 8.5 inches by 11 inches and at a scale of ten, 20, 30 or 40 feet to the inch, except that, if the property has a maximum dimension over 900 feet, a scale of 50 feet to the inch may be used.***

1.72 **Existing Conditions.** ***The existing building and conditions on the lot must be depicted. It is permissible to utilize the most recent mortgage survey of the property for this purpose. If conditions, such as buildings and building additions, paved areas, landscaping and accessory structures, on the lot have changed since the survey was completed, the applicant shall depict these changes on the plan to the best of his ability.***

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However, the nature and extent of such revisions must be approved by the city planner at the required preapplication meeting.

1.***73 Proposed use:***

(a) A written description of the proposed use.

(b) A designation of that portion of the existing structures to be devoted to the proposed use and for which a conditional use permit has been requested.

(c) A designation of that portion of the property to be devoted to the proposed use, not requiring structures and for which a conditional use permit has been requested.

(d) A designation of the parking area and indication of the number of off-street parking spaces.

(e) Indication of on-site circulation pattern and access to the property from adjacent roads.

1.74 **Additional Information.** ***The city planner and/or planning commission may request more detailed information, including but not limited to architectural floor plans, on a case-by-case basis at their discretion.***

1.75 Legal data:

(a) Tax parcel identification number.
(b) Name and address of the owner of record.
(c) Name and address of the equitable owner, if any.
(d) Name and address of the person, firm, or organization preparing the map.
(e) Date, north point, and written and graphical scale.
(f) The location and names of adjacent streets.
(g) The location, zoning, and owners of record of all adjacent properties.

Section 2. Site development plan approval.

2.1 Required. Site development plan approval shall be required for the erection or enlargement of all structures and the establishment of any use for which site development plan approval is required by this ordinance. ***Site development plan shall be required according to the following criteria:***

2.11 **Planning commission site plan review.** ***Site development plans shall be referred to the planning commission for consideration and review include any of the following:***

(a) Site plans for new structures and building additions of 3,000 square feet or greater in floor area; or

(b) Site plans with a total of 5,000 square feet or greater of new or added impervious surface, including new structures or building additions; or

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(c) Nonresidential site plans with site disturbance greater than 1,500 square feet and adjacent to residential uses or residential zones.

2.12 **Site development master plan.** ***Site development master plans shall be subject to review and approval by the planning commission in accordance with Article 10, Section 2.44.***

2.13 **Zoning review.** ***For site development plans involving construction of a single family detached, single family attached, or single family semi-detached dwelling; an accessory structure; or a non-residential change of use for which no building addition or increase in impervious cover is proposed, the city planner or his designee may approve the site development plan in conjunction with building permit review.***

2.14 **Administrative site plan.** ***All site development plans that do not meet the thresholds for zoning review in accordance with section 2.13 or planning commission site plan review in accordance with section 2.11 shall be reviewed as administrative site development plans.***

2.2 Objectives. In considering and acting upon site development plans, the public health, safety and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular shall be taken into consideration and appropriate conditions and safeguards may be prescribed as may be required that the results of ***approval*** ~~**its action**~~ may, to the maximum extent possible, further the expressed intent of this ordinance and the accomplishment of the following objectives in particular:

2.21 Maximum safety and convenience of vehicular***, transit, bicycle,*** and pedestrian traffic by ensuring that all proposed and impacted streets, driveways and walkways are adequate, but not excessive in number, adequate in width, grade, alignment, capacity, and visibility, and suitably located, particularly with respect to their connections with public streets.

2.22 The provision of adequate access to all proposed structures, equipment, or material on the site for fire***, ambulance,*** ~~**and**~~ police***, and other emergency services*** ~~**protection**~~.

2.23 The provision of adequate off-street parking to accommodate the vehicles of persons connected with or visiting the use and to obviate the parking of such vehicles in public streets.

2.24 A site layout (including the location, power, direction, and time of any outdoor lighting of the site) which would have no adverse effect upon adjacent properties.

2.25 Landscaping of the site in a manner which is in character with that generally prevailing in the neighborhood and which provides reasonable screening, at all

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seasons of the year, of all playgrounds, parking areas, and service areas from the view of adjacent residential properties and streets.

2.26 In applicable cases, a drainage system and layout which would afford the best solution to any drainage problems.

2.27 Ensure that large scale development projects involving extended construction periods are planned and implemented in accordance with an approved site development master plan.

2.28 Consideration shall be given to the physical orientation and architectural characteristics of proposed buildings, the relationship of proposed buildings to existing buildings and to other proposed buildings, and their contributions to the overall image of the immediate vicinity by considering the building and architectural design guidelines as set forth in article 5, section 19. Design characteristics of proposed buildings and building additions shall not detract or devalue existing buildings in the immediate vicinity.

(a) If the planning commission determines that the proposed physical orientation and architectural characteristics of the proposed buildings do not meet the intent and objectives of this section, then the planning commission shall refer the proposal to the architectural review oversight subcommittee for review and comment.

(b) The subcommittee shall meet and review the proposal with the applicant, and return its comments to the planning commission by the next regularly scheduled meeting.

(c) The architectural review oversight subcommittee shall be appointed by the commission at its annual meeting, and membership shall consist of two planning commission members, and two design professionals with experience in construction, and the mayor or the mayor's designee. Two alternate design professionals with experience in construction shall also be appointed.

2.3 Effect of site development plan approval. No building permit will be issued for any structure covered by this section until an approved site development plan or approved amendment of any such plan has been secured by the applicant. No certificate of occupancy will be issued for any structure or use of land covered by this section unless the structure is completed or the land is developed or used in accordance with an approved site development plan or approved amendment of any such plan.

2.4 ***Application*** Procedure.

2.41 ***Preapplication Meeting*** ~~**Presubmission conference**~~. Prior to the submission of a site development plan, the applicant or his representative shall meet in person with the

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~~planning office and the~~ city planner ***or his designee*** with a sketch plan. The purpose of this ***meeting*** ~~conference~~ shall be to discuss proposed uses or developments in order to determine, first, whether the site development plan application shall be submitted to the city planner for consideration and review as an administrative site plan or shall be referred to the planning commission. ~~Site development plans that shall be referred to the planning commission for consideration and review include any of the following:~~

~~(a) Site plans for new structures and building additions of 3,000 square feet or greater in floor area; or~~

~~(b) Site plans with a total of 5,000 square feet or greater of new or added impervious surface, including new structures, or building additions; or~~

~~(c) Nonresidential site plans with site disturbance greater than *1,000* 500 square feet and adjacent to residential properties.~~

If the application is to be referred to the planning commission, the applicant shall be informed at the ***preapplication meeting*** ~~presubmission conference~~ meeting which elements listed in subsection 2.5 below will be ~~useful~~ ***required*** in determination of conformity with the provisions and intent of this section, along with any other comments and suggestions intended to bring about conformity with the provisions and intent of this section.

2.42~~Decision.~~ ***Administrative site plan review***

2.421 Process for administrative site plan application. If, as a result of the ***preapplication meeting*** ~~presubmission conference~~ as described in subsection 2.41 of this ordinance, it is determined that the proposed uses or development is of a type that may be approved by the ***city planner*** ~~building inspector~~, the applicant shall submit the application for site development plan approval~~, in triplicate,~~ on forms approved for that purpose, to the ***city planner*** ~~building inspector~~ with the required documentation under the provisions of subsection 2.5 of this article***, and a fee as provided for in Appendix F—Fees and Fines***. The ***city planner*** ~~building inspector~~ shall coordinate the reviews of the various administrative departments of the City of Dover ***and outside regulatory agencies*** and approve ~~or disapprove~~ the application within ***thirty (30)*** ~~ten~~ days of the date of submission ***or refer it to the planning commission at their next scheduled meeting***.

~~2.43Disapproval. In the event that the building inspector disapproves an application for site development plan approval, his disapproval shall include written findings upon any site development plan element found contrary to the provisions or intent of this ordinance. If an applicant feels aggrieved by the disapproval of an application for site development plan approval by the building inspector, the applicant may request a review and consideration by~~

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~~the planning commission at the next regularly scheduled business meeting and the building inspector shall forward the application, all pertinent material submitted by the applicant and a copy of his written findings and reasons for denial of the application to the planning commission or its authorized representative.~~

2.422 Final plans and working drawings. Following initial review and comment by the city planner, the applicant shall develop final construction plans for approval by the planning office. The planning office shall determine that all necessary approvals have been issued by city departments and outside regulatory agencies prior to issuing final plan approval. No building permit shall be issued until such time that the planning office has issued final site plan approval.

2.423 Expiration. Administrative site development plan approval shall expire on the last day of the 24th month after the date of final approval by the planning office if construction of the work authorized or use permitted has not started or unless an extension of time is applied for by the applicant and granted by the city planner. Approval shall also expire if the construction of work authorized has stopped for a period of one year unless an extension of time is applied for and granted by the city planner.

2.424 Circumventing zoning requirements. Administrative site plans shall not be used to circumvent the requirement of planning commission site plan review. If the city planner determines that cumulative administrative site plans on a property are being used to circumvent the requirements of the zoning ordinance or other provisions of the Dover Code of Ordinances, he shall refer the application to the planning commission, subject to the requirements of section 2.43.

~~2.44Submission to planning commission. At each regularly scheduled business meeting of the planning commission, the building inspector shall submit to the planning commission a list of all applications for site development plan approval and a copy of the site development plans that he has approved since the last regularly scheduled business meeting of the planning commission.~~

2.43 Planning commission site plan review.

2.431 Site development plan. If, as a result of the preapplication meeting as described in subsection 2.41, it is determined that the proposed uses or development is of a type that would be reviewed by the planning commission and approval or disapproval of the application given by that body, the application for site development plan approval shall be submitted to the city planner on forms approved by the planning commission, at least 30 days prior

to the planning commission meeting at which approval is to be requested. The application for site development plan approval shall be accompanied by a fee as provided for in Appendix F--Fees and Fines.

2.432 Land subdivision. ~~**2.441**~~ If a proposed use or development requires planning commission review under the land subdivision regulations of the City of Dover as set forth in appendix A, the application for conditional approval of the preliminary layout, under article IV, section B of that ordinance appendix A, and the application for site development plan approval under this ordinance shall be submitted and reviewed concurrently. The application for site development plan approval shall be revised and all changed elements resubmitted and reviewed concurrently with the application for plan approval under article IV, section C of the land subdivision regulations set forth in appendix A.

~~**2.45Fees. If, as a result of the presubmission conference as described in subsection 2.41, it is determined that the proposed uses or development is of a type that would be reviewed by the planning commission and approval or disapproval of the application given by that body, the application for site development plan approval shall be submitted, in triplicate, to the building inspector, on forms approved by the planning commission, at least 30 days prior to the planning commission meeting at which approval is to be requested. The application for site development plan approval shall be accompanied by a fee as provided for in Appendix F--Fees and Fines. Applications for administrative site plans shall be accompanied by a fee as provided for in Appendix F--Fees and Fines.**~~

2.433 ~~**2.47**~~ Public hearing. Prior to the review and action on the site plan application, the commission shall hold a public hearing ***subject to the following public notification procedures***:

(a) The applicant shall advertise the public hearing ~~**to be advertised by the applicant**~~ in a newspaper of general circulation at least ***15*** ~~**ten**~~ days prior thereto.

(b) The applicant shall notify, by mail, all property owners within ***300*** ~~**200**~~ feet of the extreme limits of the site plan property as their names appear on the municipal tax record at least ***15*** ~~**ten**~~ days prior thereto.

(c) The applicant shall post a notice outlining the date, time, place, and nature of the hearing in a conspicuous location on the property. Such notice shall be designed in accordance with standards set forth by the planning commission.

(d)The applicant shall provide the ***planning office*** ~~**commission**~~ with a copy of the notice, verification of newspaper publication, ***a date-stamped***

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photo of the property posting, and post office ***mail*** ~~**return**~~ receipts ***including the date of mailing*** for all letters on or before the meeting date.

(e) Said notices shall state the ***date,*** time and place of the hearing, ***the site location,*** a brief description of the site plan and shall state that a copy of the site plan application and plan is filed with the planning ***office*** ~~**department**~~ for public review.

2.434 ~~**2.46**~~ ***City planner report*** ~~**Building inspector certification**~~. ***For each site plan application to the planning commission the city planner shall issue a report to the planning commission including comments from other agencies detailing how the application conforms to the requirements of the zoning ordinance and other provision of city and state codes. The city planner shall transmit copies of the proposed site development plan and the city planner's report*** ~~**The building inspector shall certify on each application for site development plan approval whether or not the application meets the requirements of all zoning ordinance provisions. The building inspector shall retain one copy and transmit two copies of the certified application for site development plan approval**~~ to the planning commission ~~**or its authorized representative**~~ at least seven days prior to the date of the meeting at which approval of the site development plan is to be requested.

2.435 ~~**2.48**~~ Planning commission action. The planning commission shall act to approve or disapprove any application for site development plan received by it either as an original review or as ***a referral from the city planner*** ~~**an appeal**~~ under the provisions of subsection ***2.422*** ~~**2.43**~~ of this article within 45 days or within such additional time as may be consented to by the applicant. ~~**Failure to act within 45 days or the additional time consented shall be deemed approval.**~~ Planning commission disapproval shall include written findings upon any site development plan element found contrary to the provisions or intent of ~~**this**~~ ***the zoning*** ordinance.

2.436 Notice of decision. The planning office shall send the applicant a letter notifying the applicant of the planning commission's action regarding the site plan application. Such letter shall document any conditions and waivers approved or recommended as part of the application approval.

2.437 ~~**2.49**~~ Final plans and working drawings. ***Following approval by the planning commission, the applicant shall develop final site plans for approval by the planning office. The planning office shall determine that all necessary approvals have been issued by city departments and outside agencies regulating street access and stormwater management, prior to issuing final plan approval. No building permit shall be issued until such time that the planning office has issued final site plan approval*** ~~**Final plans and working drawings shall not be**~~

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~~prepared for submission to the city planner for building permit approval until after approval of the application for site development plan approval has been obtained~~.

2.438 ~~**2.49.1**~~ Amendments. ***Substantial a***~~**A**~~mendments to an approved site development plan shall be acted upon in the same manner as the original plan. ***The city planner shall review proposed amendments to determine if they are substantial in nature. Amendments that are not deemed substantial may be referred to the planning commission for consideration at the discretion of the city planner.***

2.439 ~~**2.491**~~ Expiration of planning commission approval.

(a) Site development plan approval shall expire on the last day of the ***24th*** ~~**12th**~~ month after the date of final or conditional approval of the planning commission if construction of the work authorized or use permitted has not started or unless an extension of time is applied for by the applicant and granted by the planning commission. Approval shall also expire if the construction of work authorized has stopped for a period of one year unless an extension of time is applied for and granted by the planning commission.

~~**(b) For projects which are reviewed and approved by the planning commission as site development master plans, approval of the master plan shall remain valid for a period not to exceed five years from the date of planning commission approval, provided that the authorized construction or use has commenced within one year of approval and is proceeding toward completion, unless an extension of time is applied for by the applicant and granted by the planning commission. In addition, the time between the completion of one phase and the initiation of the next phase shall not exceed a period of two years. Upon approval of a site development master plan by the planning commission, the city planner or authorized designee shall have approval authority over final plans governing each phase of construction as depicted on the master plan.**~~

(c) ***Request*** ~~**Application**~~ for extension of approval shall be made no later than 30 days prior to the final approval expiration date. Upon receipt of such ***request*** ~~**application**~~, the matter shall be considered at the next regularly scheduled meeting of the planning commission.

(d) In considering a request for an extension of approval, the planning commission shall consider, but not be limited to, the following:

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1. Whether the project has been delayed for reasons beyond the control of the applicant, excluding economic or financial reasons.

~~**2. Whether the project is of a minor size and scale.**~~

2. Whether the applicant has made substantial progress toward obtaining final approvals.

3. Whether there has been any significant changes in the surrounding neighborhood.

4. Whether there has been any related amendments to the zoning map or text, or the comprehensive plan, or if any waivers or variances have been granted.

(e) ***Requests*** ~~**Applications**~~ for extensions shall be submitted ***in writing*** to the ***planning office*** ~~**city by completing an application for extension of approval form which may be obtained in city hall**~~.

(f) Under no circumstances shall the planning commission grant extensions beyond ***36*** ~~**24**~~ months from the date of first approval.

2.44 Site development master plans. Conceptual site development master plans shall be reviewed by the planning commission in accordance with the provisions of section 2.43. Conceptual site development master plans shall depict a site development proposal that reflects general compliance with the provisions of the zoning ordinance and shall also reflect the following information on the plan:

2.441 Conceptual Master Plan. Conceptual Master Plan shall include the proposed general layout of building, streets, parking, open space, landscape concepts, and stormwater management areas.

(a) Detailed site construction plans, details, and specifications are not required as part of a site development master plan submission.

(b) The plan shall illustrate distinct phase boundaries for each proposed construction phase and shall depict proposed construction and site improvements planned for each phase. Bulk quantities and area totals for each construction phase, and for the total site, shall be tabulated in a data column on the plan.

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(c) Each construction phase shall be enumerated in sequential order on the site development master plan according to the order of construction contemplated by the plan. Phases shall be implemented in accordance with the approved site development master plan unless the city planner approves an alternate phasing.

(d) Each construction phase represented on the master plan shall be planned and designed to function independent of construction and site improvements contemplated in future construction phases in all respects, including but not limited to bulk area provisions of the zoning district in which the site is located, off-street parking requirements, site entrances, emergency access requirements, site utilities, and stormwater management improvements except where the requirements and needs of a later phase are met and remain met by a previous phase of completed construction.

(e) Any special agreements or conditions of approval relative to the overall development that have been specified by regulatory agencies shall be documented on the site development master plan.

2.442 Phased site plan approval. Individual phased components of the Conceptual Master Plan are to be reviewed and approved as an Administrative Site Plan. Final site construction plans, including detailed site grading, paving, utilities, stormwater management, and tree planting and preservation plans shall be submitted for final approval by the city planner and/or authorized designee, and to other agencies having jurisdiction, on a phase by phase basis in accordance with the approved site development master plan, and all regulations of the City of Dover governing the approval of site plans as set forth in this article 10, section 2.4 of this ordinance.

2.443 Amendments. Substantial a~~A~~mendments to an approved site development plan shall be acted upon in the same manner as the original plan. The city planner shall review proposed amendments to determine if they are substantial in nature. Amendments that are not deemed substantial may be referred to the planning commission for consideration at the discretion of the city planner.

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2.444 Expiration of planning commission approval. For projects which are reviewed and approved by the planning commission as Conceptual Master Plans, approval of the conceptual master plan shall remain valid for a period not to exceed five years from the date of planning commission approval, provided that the authorized construction or use has commenced within two years of approval and is proceeding toward completion. In addition, the time between the completion of one phase and the initiation of the next phase shall not exceed a period of two years.

2.5 Site development plan elements submission requirements accompanying applications for site development plan approval. The applicant shall cause a site development plan map to be prepared by a civil engineer, surveyor, land planner, ***or*** architect ~~**or other competent person**~~. The applicant shall submit ~~**15**~~ copies of the site development plan ~~**map**~~ to the ***city planner*** ~~**building inspector prior to or**~~ at the time of filing the formal application for site development plan approval under the provisions of subsection 2.42***, subsection 2.43,*** or subsection ~~**2.45**~~ ***2.44*** of this article. If the application is under the provisions of subsection ~~**2.45**~~ ***2.43 or 2.44*** of this article, the city planner shall ~~**retain one copy and**~~ transmit ~~**nine**~~ copies of the site development plan map to the planning commission ~~**or its authorized representative**~~ at least seven days prior to the meeting at which approval of the application for site development plan approval is to be requested. Site development plan elements shall include those listed below which are appropriate to the proposed development or use as indicated in the ***preapplication meeting*** ~~**presubmission conference**~~ required by the provisions of subsection 2.41 of this ordinance.

2.51 Scale dimensions: ~~**Twenty**~~ ***Ten, 20, 30*** or 40 feet to the inch, except that if the property has a maximum dimension over 900 feet, a scale of 50 feet to the inch may be used.

2.52 Legal data:

(a) ***Tax parcel identification number*** ~~**Lot, block, and section number of the property**~~.

(b) Name and address of the owner of record.

(c) Name and address of the equitable owner, if any.

(d) Name and address of the person, firm or organization preparing the map.

(e) Date, north point and written and graphic scale.

(f) Sufficient description of information to define precisely the boundaries of the site, and total acreage of the site. All distances shall be given in feet and tenths of

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a foot. All angles shall be given to the nearest ten seconds or closer. The error of closure shall not exceed one in 10,000.

(g) The locations, names and existing widths of adjacent street rights-of-way and curblines.

(h) The locations and owners of record of all adjoining lands.

(i) Locations, widths and purposes of all existing and proposed easements, setbacks, reservations and areas dedicated to public use within or adjoining the property.

(j) A complete outline of existing or proposed deed restrictions or covenants applying to the property and recital of the deed references if they are of record.

(k) Existing zoning on the site and adjacent properties.

(l) Two location maps, one at a scale of 1,200 feet to the inch, and one at a scale of 400 feet to the inch, showing the distance along all adjacent roads to the nearest intersections.

(m) Record of any agreements between the applicant and the city regarding the proposed development.

2.53 Natural features:

(a) Contour lines at vertical intervals of two feet for land with an average existing slope of four percent or less, and at intervals of five feet for land with an average existing slope greater than four percent.

(b) Location of different soil types, as indicated by the soil survey of Kent County, prepared by the Natural Resources Conservation Service, and including locations of flood hazard areas ***as identified in the FEMA Flood Insurance Maps***. The soils information shall be supplemented by soil boring and percolation test data, if requested by the city.

(c) Location of significant natural features, including bodies of water, wetlands, and forest areas.

2.54 Proposed development:

(a) Existing buildings and other structures.

(b) Location and width of all proposed streets and rights-of-way. Speed bumps or speed dips for the purpose of slowing down traffic on any street shall not be permitted.

(c) Location of all proposed structures, except one-family detached dwellings, and an indication of the total number of dwelling units.

(d) Location and dimensions of all lot lines.

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(e) Building setback lines on all lots.

(f) Location of all uses not requiring structures, including parks, playgrounds and other open space areas.

(g) Location and plans for any outdoor signs.

(h) Location, direction, power and time of use for any proposed outdoor lighting.

(i) The location, size and arrangement of proposed sidewalks, driveways, loading areas, off-street parking areas and other paved areas.

(j) Indication of the total amount of impervious surfaces and the development coverage.

(k) Any proposed changes in elevation of the site and elevations of all streets, parking areas, and building foundations. The datum to which all elevations, including existing contour elevations, refer shall be clearly indicated on the plan.

(l) Plans for surface drainage of the site~~, if requested by the city~~. Such plans shall include stormwater run-off calculations and shall show the proposed method of accommodating the anticipated run-off.

(m) Any proposed below-ground or above-ground utilities and any contemplated public improvements, including road improvements, on or adjoining the property. Plans for such utilities and improvements shall indicate whether the developer, the city, or other agency will bear the financial responsibility for the construction, and which improvements are intended to be dedicated to the city.

(n) Proposed grading, screening and other landscaping, including types and locations of proposed street trees.

(o) Architectural elevation drawings or other graphic representations illustrating exterior building characteristics of proposed buildings and/or building additions that would be visible from the public right-of-way. Elevation drawings shall be drawn to scale and shall reflect major architectural elements such as exterior surface materials, windows, doors, columns, and wall-mounted signage. Elevation plans are intended to provide a general depiction of the physical appearance, massing and scale of the proposed construction.

2.55 Requested information. Full and complete information requested by the ***city*** planner in accordance with the development information requirements set forth in article 10, section 4.

2.56 ***Development in stages*** ~~**Stage development compliance**~~. If the site development plan indicates ***more than*** ~~**only**~~ one stage of the development, supplementary material shall be included to show compliance with article 5, section 9, development in stages.

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2.57 Miscellaneous information. Other information deemed by the planning commission to be necessary to determine conformity with the intent of this ordinance.

~~**2.58 Site development master plans. Site development master plans shall depict a generalized site development proposal that reflects general compliance with all applicable provisions of article 10, subsection 2.5 above, and shall also reflect the following information on the plan:**~~

~~**(1) The plan shall illustrate distinct phase boundaries for each proposed construction phase and shall detail proposed construction and site improvements planned for each phase. Bulk quantities and area totals for each construction phase, and for the total site, shall be tabulated in a data column on the plan.**~~

~~**(2) Each construction phase shall be enumerated in sequential order on the site development master plan according to the order of construction contemplated by the plan. Phases shall be implemented in accordance with the approved site development master plan.**~~

~~**(3) Each construction phase represented on the master plan shall be planned and designed to function independent of construction and site improvements contemplated in future construction phases in all respects, including but not limited to bulk area provisions of the zoning district in which the site is located, off-street parking requirements, site entrances, emergency access requirements, site utilities, and stormwater management improvements.**~~

~~**(4) Any special agreements or conditions of approval relative to the overall development that have been specified by regulatory agencies shall be documented on the site development master plan.**~~

~~**Site construction plans, details, and specifications are not required as part of a site development master plan submission. Final site construction plans, including detailed site grading, paving, utilities, stormwater management, and tree planting and preservation plans shall be submitted for final approval by the planning director, and/or authorized designee, and to other agencies having jurisdiction, on a phase by phase basis in accordance with the approved site development master plan, and all regulations of the City of Dover governing the approval of site plans as set forth in this article 10, section 2 of this ordinance.**~~

Section 3. Historic district commission and architectural review.

3.1 Historic district commission established.

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3.11 Creation and purpose. There shall be a historic district commission for the purpose of assisting the planning commission and city planner in reviewing applications for architectural review certifications as specified in subsection 3.2 of this article section; and for making recommendations for designation of historic district zones; and for establishing guidelines for the preservation and conservation of historic district zones; and for advising other officials and departments in the City of Dover in matters concerning historic preservation; and for reviewing all proposed National Register nominations in the City of Dover; and for acting as a liaison on behalf of the City of Dover to individuals and organizations concerned with historic preservation; and for carrying out programs of historic preservation education in the City of Dover.

3.12 Appointment. The commission shall consist of five members nominated by the mayor and approved by the city council, who are residents of the City of Dover and who have demonstrated special interest, experience, or knowledge in history, architecture, or historic preservation. Two of the members, to the extent available, shall be professional members representing the professions of architecture, history, archaeology, planning, historic preservation or related disciplines. At least two members shall be residents of the district, and at least one shall represent the business within the district.

3.13 Term. The members of the commission shall serve for three-year staggered terms. Vacancies shall be filled within 60 days in accordance with subsection 3.12 of the article section.

3.14 Organization. The commission shall meet at least four times per year in a place that is advertised in advance and open to the public and shall keep minutes of its meetings that are available to the public. All review decisions shall be made in public. The commission shall establish bylaws for its general procedure, which shall include a section addressing conflicts of interest. ~~**The commission shall produce an annual report of its activity that is kept on file for public review with the city planning office**~~.

3.2 Architectural review certification.

3.21 Effect of architectural review certificate. No building permit or certificate of occupancy may be issued for any structure in the historic district until an architectural review certificate is issued as required under article 3, section 21, subsection 21.3 for the historic district.

3.22 Architectural review certification by the ~~**historic district commission and**~~ city planner. ~~**Certifications under this subsection shall not be subject to the requirements in subsection 3.25 with respect to conferences, fees, applications, public notices, and time to act.**~~

(a) An architectural review certificate for specific classes of building permits, including fences, signs, siding, window and door replacement, roofing, the addition or replacement of decorative features, minor demolition, residential

additions, and other construction of a minor nature, may be issued ~~by the historic district commission or~~ by the city planner ~~when authorized by the historic district commission~~, after a review and determination that the proposed construction is in general accordance with the standards set forth in subsection 3.24 of this article section.

(b) The city planner may refer any permit application for ***demolition or*** construction in the historic district for consultation with commission. ~~The historic district commission shall authorize the city planner to issue architectural review certificates for certain classes and types of construction that it warrants to be generally acceptable.~~

~~(b) The historic district commission shall issue architectural review certificates for the construction or demolition of single- and two-family homes, and nonresidential structures or additions involving a gross floor area of 3,000 square feet or less, after review of proposed construction and after a determination that the construction is in general accordance with the standards set forth in subsection 3.24 below.~~

~~(c) All other applications for an architectural review certificate shall be forwarded to the historic district commission for review and recommendations to the planning commission in accordance with subsection 3.23(a) of this section.~~

(d) All decisions of ~~the historic district commission or~~ the city planner pursuant to this section shall be ***documented on the building permit*** ~~formalized in a written notice of decision.~~ When the ~~commission or~~ city planner grants a conditional approval under this section, all conditions of approval shall be set forth in writing ***on the building permit*** ~~in the notice of decision~~. In the event of a denial, the ***reasons for such denial shall be documented in a written*** notice of decision ~~shall state the reasons for denial and shall~~ ***which shall*** identify all elements of the application found to be contrary to the provisions or intent of this section.

(e) An applicant may appeal the decision of the ***city planner to the*** historic district commission ~~to the planning commission,~~ and such appeal shall be considered as an architectural review certification application to the ***historic district*** ~~planning~~ commission and shall meet all of the requirements set forth in subsection ***3.22A*** ~~3.23 and subsection 3.25 of this section~~.

3.22A Architectural review certification by the historic district commission

(a) The historic district commission shall issue architectural review certificates for the construction or demolition of single- and two-family homes, and

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nonresidential structures or additions involving a gross floor area of 3,000 square feet or less, after review of the proposed construction and after a determination that the construction is in general accordance with the standards set forth in subsection 3.24 below.

(b) All applications to the historic district commission for architectural review certification shall be subject to the procedures set forth in subsection 3.25.

(c) All decisions of the historic district commission pursuant to this section shall be formalized in a written notice of decision. When the commission grants a conditional approval under this section, all conditions of approval shall be set forth in writing in the notice of decision. In the event of a denial, the notice of decision shall state the reasons for denial and shall identify all elements of the application found to be contrary to the provisions or intent of this section.

(d) An applicant may appeal the decision of the historic district commission to the planning commission, and such appeal shall be considered as an architectural review certification application to the planning commission and shall meet all of the requirements set forth in subsection 3.23 and subsection 3.25 of this section.

3.23 Architectural review certification by the planning commission.

(a) The planning commission shall issue architectural review certificates referred or appealed to it, upon review of the recommendations of the historic district commission and upon a determination that the proposed construction is in accordance with the standards set forth in subsection 3.24 below.

(b) All applications to the planning commission for architectural review certification shall be subject to the procedures set forth in subsection 3.25.

(c) ~~**(b)**~~ All decisions of the planning commission pursuant to this section shall be formalized in a written notice of decision. When the ***planning*** commission grants a conditional approval under this section, all conditions of approval shall be set forth in writing in the notice of decision. In the event of a denial, the notice of decision shall state the reasons for denial and shall identify all elements of the application found to be contrary to the provisions or intent of this section.

3.24 Architectural review standards.

(a) An architectural review certificate may be issued if it is found that the architectural style, general design, height, bulk and setbacks, arrangement, location and materials and structures affecting the exterior appearance are generally in harmony with neighboring structures and complementary to the traditional architectural standards of the historic district as set forth in the historic district design guidelines and standards adopted by the planning commission and

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as set forth in the United States Secretary of the Interior's Standards for Rehabilitation.

(b) The city planner, historic district commission or planning commission shall not consider normal maintenance and repair (see definitions, article 12), interior arrangement, or building features not subject to public view.

3.25 Procedures for an architectural review by the historic district commission ***and/***or planning commission.

(a) Architectural ***preapplication meeting*** ~~**review conference**~~. Prior to action on any application for an architectural review certificate, the applicant shall meet in person with the city planner or his delegated representative. The purpose of such conference shall be to discuss the proposed construction or other action requiring the certificate in order to determine what information is useful in the determination of conformity with the provisions and intent of the historic district regulation as expressed in this ordinance. ~~**It is generally recommended that final construction plans and working drawings not be prepared for submission to the building inspector for a building permit until a required architectural review certificate is issued.**~~

(b) Application and fee. The application to the historic district commission ~~**or planning commission**~~ for an architectural review certificate and related information shall be submitted ~~**in 20 copies**~~ to the city planner at least 30 days prior to the historic district commission meeting at which review ~~**or approval**~~ is requested and shall be accompanied by a fee as provided for in Appendix F--Fees and Fines.

(c) Public ***hearing*** ~~**notice**~~. Prior to the review and action on a architectural review certification, the historic district commission shall hold a public hearing ***subject to the following public notification procedures***:

(1) The applicant shall advertise the public hearing ~~**to be advertised by the applicant in a**~~ newspaper of general circulation at least ***15*** ~~**ten**~~ days prior thereto.

(2) The applicant shall notify, by mail, all property owners within ***300*** ~~**200**~~ feet of the extreme limits of the subject property as their names appear on the municipal tax record at least ***15*** days prior thereto.

(3) The applicant shall post a notice outlining the date, time, place, and nature of the hearing in a conspicuous location on the property. Such notice shall be designed in accordance with standards set forth by the planning commission.

(4) The applicant shall provide the ***planning office*** ~~**commission**~~ with a copy of the notice, verification of newspaper publication, ***a date-stamped photo of the property posting,*** and post office ***mail*** ~~**return**~~ receipts ***indicating date of mailing*** for all letters on or before the meeting date.

(5) Said notices shall state the ***date***, time, ~~**date**~~ and place of the hearings before the historic district commission ~~**and planning commission**~~, a brief description of the project and shall state that a copy of the application and plan is on file with the planning ***office*** ~~**department**~~ for public review.

(6) If the planning commission is reviewing a project in accordance with other sections of this article, then the public hearing notice on those applications must also give notice of architectural review certification.

(d) Application information. The applicant shall provide such information and documents listed below which will satisfactorily illustrate the proposed action as indicated in the architectural ~~**review conference**~~ ***preapplication meeting*** required in subsection 3.25(a):

(1) All plan elements required in article 10, section 2.5.

(2) Plans and specifications indicating existing and proposed development, including structures, architectural elevation drawings, trees and any other landscaping, existing and proposed, including the general design, location and orientation of structures in relation to curb line, right-of-way line and neighboring buildings, colors, and materials to be used on exterior surfaces, detailed plans for any signs, photographs of the existing site and neighboring buildings, and such other information as will enable the historic district commission or planning commission to determine conformity with the ordinance.

(e) City planner report. For each site plan application to the planning commission the city planner shall issue a report to the planning commission including comments from other agencies detailing how the application conforms to the requirements of the zoning ordinance and other provision of city and state codes. The city planner shall transmit copies of the proposed site development plan and the city planner's report at least seven days prior to the date of the meeting at which approval of the site development plan is to be requested.

(f) ~~**(e) Time to act**~~ ***Historic district commission action***. The historic district commission shall act to review and render a recommendation to approve any such application within 45 days of transmittal to the commission or within such additional time as may be consented to by the applicant~~**. Failure to act within 45 days or the additional time consented to shall be deemed to be a favorable**~~

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~~recommendation. Applications requiring planning commission approval under subsection 3.23 of the article shall be transmitted by the historic district commission to the planning commission for consideration at its next available meeting. The planning commission shall act on any such approval within 45 days of its meeting. Failure to act within 45 days shall be deemed approval.~~ ***The recommendation of the historic district commission shall be forwarded to the planning commission and acted upon by the planning commission in conjunction with action on the associated site development plan. If a site development plan application is not filed in accordance with the provisions of section 2.4 of this article within one year of recommendation, the recommendation shall expire. The historic district commission may grant a one-year extension of its recommendation upon written request by the applicant. Such request shall be made in writing to the planning office at least thirty days prior to the expiration of the historic district commission's recommendation.***

(~~f~~ *g*) ***Substantial*** Amendments. ***Substantial*** ~~A~~ *a*mendments to an application or an architectural review certificate shall be acted upon in the same manner as the original plan.

(**g** ***h)*** Expiration of architectural review certification ***issued by the historic district commission***.

(a) Architectural review certification approval shall expire on the last day of the 12th month after the date of ~~final or conditional~~ approval if construction of the work authorized or use permitted has not started or unless an extension of time is applied for by the applicant and granted by the historic district commission. Approval shall also expire if the construction of work authorized has stopped for a period of one year unless an extension of time is applied for and granted by the historic district commission.

(b) ***Request*** ~~Application~~ for extension of approval shall be made no later than 30 days prior to the final approval expiration date. Upon receipt of such ***request*** ~~application~~, the matter shall be considered at the next regularly scheduled meeting of the historic district commission.

(c) In considering a request for an extension of approval, the ***historic district*** commission shall consider, but not be limited to, the following:

1. Whether the project has been delayed for reasons beyond the control of the applicant, excluding economic or financial reasons.

2. Whether the applicant has made substantial progress toward obtaining final approvals.

~~2. Whether the project is of a minor size and scale.~~

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3. Whether there has been any significant changes in the surrounding neighborhood.

4. Whether there has been any related amendments to the zoning map or text, or the comprehensive plan, or if any waivers or variances have been granted.

(d) ***Requests*** ~~**Applications**~~ for extensions shall be submitted ***in writing to the planning office.*** ~~**to the city by completing an application for extension of approval form which may be obtained in city hall.**~~

(e) Under no circumstances shall the historic district commission grant extensions beyond 24 months from the date of first approval.

3.3 Historic district amendments.

3.31 Historic district commission review required. Any motion or petition to amend, supplement, or repeal a historic district by the city council in accordance with article 10, section 5, amendments, shall require a report by the historic district commission as set forth in article 3, section 21.4.

3.32 Review criteria for placing individual structures in a historic district. The historic district commission may recommend that an individual structure or property be placed in an existing contiguous historic district or be placed in a historic district specifically created for the property or structure upon considering the following criteria and factors:

(a) Significant value as part of the historical, cultural, artistic, social, ethnic or other heritage of the nation, state or community;

(b) Association with an important person or event in national, state, or local history.

(c) Representative of the distinguishing characteristics of an architectural type inherently valuable for the study of a period, style, craftsmanship, method of construction or use of indigenous material;

(d) Notable work of a master builder, designer, architect, or artist whose individual genius has influenced an era;

(e) The desire of the owner to have the property designated;

(f) Increased potential of economic or community development.

3.33 Review criteria for amendments or creation of new historic districts. The historic district commission may recommend amendments to an existing historic

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district, recommend repeal of an existing historic district or recommend the creation of a new historic district upon considering the following criteria:

(a) Any criteria listed in subsection 3.32 of this section.

(b) Distinctive character or homogeneity of architectural design or dates of construction throughout the area.

(c) Identifiable by clear and distinctive boundaries.

(d) Repetition of distinguishing architectural or land use characteristics throughout the area.

3.34 Public hearing required. For all proposed amendments to the boundary of the historic district, the historic district commission shall hold a public hearing subject to the following public notification procedures:

(a) The planning office shall advertise the public hearing in a newspaper of general circulation at least 15 days prior thereto.

(b) The planning office shall notify, by mail, all directly affected property owners and all property owners within 300 feet of the extreme limits of the properties proposed for addition to or removal from the district as their names appear on the municipal tax record at least 15 days prior thereto.

3.4 Demolition by neglect.

3.41 Responsibility of property owners. Property owners of properties within the historic districts shall not allow their buildings to be demolished by neglect (see definitions, article 12) by failing to provide ordinary maintenance or repair.

3.42 Responsibility of the historic district commission. The historic district commission shall monitor the condition of historic properties and existing buildings in the historic district to determine if they are being demolished by neglect by failing to provide ordinary maintenance and repair (see definitions, article 12). In the event that the commission determines a demolition by neglect is occurring, it shall carry out the following:

(a) Determine and set forth steps required to remedy the situations or defects.

(b) Direct the city planner to inform the property owners of its findings, determination, and recommended remedies.

(c) In the event that the property owners fail to commence work within the reasonable time allotted by the commission, the commission may direct the building inspector to begin proceedings under chapter 22, buildings, and building regulations, article XI, dangerous buildings, of the Code of

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Ordinances for the City of Dover to bring about the repair ***or demolition*** of the building.

3.43 Responsibility of the city planner. The city planner shall notify the historic district commission of buildings within the historic district that meet the definition of dangerous buildings under the provisions of chapter 22 buildings and building regulations, article XI dangerous buildings, of the Code of Ordinances for the City of Dover. In such cases the commission shall determine if the building is being demolished by neglect. Before referring a property to the commission for consideration as demolition by neglect, the city planner shall give written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building, as shown by the records of the recorder of deeds of the county, to appear before historic district commission at the time, date and location specified.

Section 4. Development information requirements.

4.1 In order to more effectively evaluate the probable impact of proposed development and thereby to carry out the purposes of this ordinance when making decisions and recommendations regarding development proposals, the planning commission***, historic district commission, or city planner may*** ~~**shall**~~ adopt a standard set of information requirements, which may be updated from time to time as necessary.

~~**4.2 The information requirements will consist of a series of written questions to be answered by all applicants for amendments to the zoning map, conditional use permits, or site development plan approval. The information requirements for any application will depend on the type and scale of the development proposed, and on the type of application.**~~

4.3 The information requirements shall be administered by the ***city*** planner and shall be a part of submission requirements for all applications to the planning commission.

Section 5. Amendments.

This ordinance or any part thereof may be amended, supplemented or repealed, from time to time, by the city council on its own motion or ***upon application*** ~~**on petition**~~, as provided in chapter 3 of title 22, Municipalities of the Delaware Code Annotated (22 Del. C. § 301 et seq.). Every such proposed amendment ***shall*** ~~**may**~~ be referred by the city council to the planning commission for a report before the public hearing. The city council shall not take action on any such amendment without a report from the planning commission unless the planning commission fails to render such a report within 75 days after its regularly scheduled meeting following such referral.

5.1 Types of amendments to the ordinance. The following are the types of amendments that may be made to the ordinance:

5.11 Zoning text amendments. Amendments to ordinance text may be made upon initiation of the city planner or under sponsorship of three members of city council.

5.12 Map amendment by application. A property owner may make application to the city for amendment of the zoning map as it relates to his property. Amendments to the zoning map may also be initiated by sponsorship of three members of city council and shall be considered under the procedures of section 5.3 as it relates to applications for map amendments.

5.13 Comprehensive zoning map amendment. Amendment to the zoning map as a result of a new, revised, or amended comprehensive plan, or other formal plan or study shall be considered as a comprehensive zoning map amendment and shall be initiated by the planning office.

~~**5.1Report of planning 0commission. In making such report after holding a public hearing on the proposed amendment, the planning commission shall make an inquiry and determination concerning the items specified below:**~~

~~**5.11Amendments and changes in text. Concerning a proposed amendment to or change in text of this ordinance:**~~

~~**a. Whether such change is consistent with the aims and principles embodied in the ordinance as to the particular zones concerned;**~~

~~**b. Which areas and establishments will be directly affected by such change and in what way they will be affected;**~~

~~**c. The indirect implications of such change in its effect on other regulations; and**~~

~~**d. Whether such proposed amendment is consistent with the aims of the comprehensive plan of the city.**~~

~~**5.111 Concerning a proposed amendments involving a change in the zoning map by way of a petition to rezone property or by way of annexation:**~~

~~**a. Whether the uses permitted by the proposed change would be appropriate in the area concerned;**~~

~~**b. Whether adequate public school facilities and other public services exist or can be created to serve the needs of any additional residence likely to be constructed as a result of such change;**~~

~~**c. Whether the proposed change is in accord with any existing or proposed plans in the vicinity;**~~

~~**d. The effect of the proposed amendment upon the growth of the city as envisaged by the comprehensive plan;**~~

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~~e. Whether the proposed amendment is likely to result in an increase or decrease in the total zoned residential capacity of the city and the probable effect thereof.~~

5.2 Procedure for zoning text amendments in accordance with 5.11.

5.21 Public hearing and notice. An amendment to the ordinance text shall be subject to public hearing before the planning commission and city council prior to adoption. Such hearing shall be advertised in a newspaper of general circulation at least fifteen (15) days prior to the planning commission hearing. Such notices shall state the date, time and place of the planning commission and city council hearings and a brief description of the proposed zoning text amendment, and specify that documents are available in the Planning office for review.

5.22 City planner report. For each proposed zoning text amendment, the city planner shall issue a report to the planning commission and city council, including comments from other reviewing agencies, that evaluates the following factors:

1) ***Whether such change is consistent with the aims and principles embodied in the ordinance as to the particular zones concerned; and***
2) ***Whether such proposed amendment is consistent with the aims of the comprehensive plan of the city.***

5.24 Report of the planning commission. Regarding each proposed amendment to the ordinance text, the planning commission shall provide a report to the city council stating a recommended action with regards to the proposed amendment, along with the commission's evaluation of the following factors:

1) ***Whether such change is consistent with the aims and principles embodied in the ordinance as to the particular zones concerned; and***
2) ***Whether such proposed amendment is consistent with the aims of the comprehensive plan of the city.***

5.3 Application procedure for zoning map amendments in accordance with 5.12.

5.31 Preapplication Meeting. Prior to the submission of a zoning map amendment application, the applicant or his representative shall meet in person with the city planner or his designee to discuss the rezoning request. The purpose of this meeting shall be to discuss proposed uses or developments and to review the process and submission requirements.

5.32 Application. Application for a zoning map amendment shall be submitted to the city planner, on forms approved by the planning commission, along with a fee as provided for in Appendix F--Fees and Fines, and copies of a site map as described below.

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5.321 Submission requirements accompanying applications for amendments to the zoning map. The applicant shall cause a site map to be prepared by a civil engineer, surveyor, land planner, or architect. The applicant shall submit copies of the site map to the city planner. The elements to be included on the site map are listed below:

(1) Scale and dimensions. The map shall be at least 8.5 by 11 inches and at a scale of ten, 20, 30 or 40 feet to the inch, except that if the property has a maximum dimension over 900 feet, a scale of 50 feet to the inch may be used.

(2) Legal data.

(a) Tax parcel identification number.

(b) Name and address of the owner of record.

(c) Name and address of the equitable owner, if any.

(d) Name and address of the person, firm or organization preparing the map.

(e) Date, north point and written and graphic scale.

(f) Sufficient description of information to precisely define the boundaries of the property and that portion of the property for which a rezoning is requested; and total acreage for which a rezoning is requested. All distances shall be in feet and hundredths of a foot. All angles shall be given to the nearest second or closer. The error of closure shall not exceed one in 10,000.

(g) The locations, names and existing widths of adjacent street rights-of-way and curblines.

(h) Location, width and purpose of all existing and proposed easements, reservations and areas dedicated to public use within or adjoining the property.

(i) Existing and proposed zoning.

(k) Any existing development on the property, including buildings, fences and landscape screening.

(l) Full and complete information requested by the city planner in accordance with the development information requirements set forth in section 4.

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5.33 Setting of hearings and referral to planning commission. For any application to amend the zoning map, city council shall refer the proposed amendment to the planning commission and set dates for the public hearings to be held before the planning commission and city council.

5.34 Advertisement of public hearing. Following referral of a zoning map amendment application to planning commission by city council, the applicant shall advertise the public hearing as follows:

1) *The applicant shall notify by mail all property owners within a distance of 300 feet of the extreme limits of the subject property of the public hearing dates, times and locations.*
2) *The applicant shall advertise the public hearings in a newspaper of general circulation at least fifteen (15) days prior to the planning commission hearing. Such notices shall state the date, time and place of the planning commission and city council hearings and a brief description of the proposed zoning map amendment, and specify that documents are available in the Planning office for review.*
3) *The applicant shall also post a notice outlining the date, time, place, and nature of the hearings in a conspicuous location on the property. Such notice shall be designed in accordance with standards set forth by the planning commission and city council.*
4) *The applicant shall provide the planning office with a copy of the notice, verification of newspaper publication, a date-stamped photo of the property posting, and post office mail receipts indicating the date of mailing for all letters on or before the planning commission meeting date.*

5.35 City planner report. For each application for a zoning map amendment, the city planner shall transmit a report to the planning commission and city council, including comments from other reviewing agencies, that evaluates the following factors:

1) *Whether the uses permitted by the proposed change would be compatible with the existing uses and zones in the area concerned;*
2) *Whether adequate public services and infrastructure exist or can be created or expanded to serve the needs of any additional demand as a result of such change; and*
3) *Whether the proposed change is in accordance with the city's current comprehensive plan.*

5.36 Report of the planning commission. Regarding each application for a zoning map amendment, the planning commission shall provide a report to the city council stating

a recommended action with regards to the proposed amendment, along with the commission's evaluation of the following factors:

1) *Whether the uses permitted by the proposed change would be compatible with the existing uses and zones in the area concerned;*
2) *Whether adequate public services and infrastructure exist or can be created or expanded to serve the needs of any additional demand as a result of such change; and*
3) *Whether the proposed change is in accordance with the city's current comprehensive plan.*

5.37 Amendment of zoning map. Following action by city council with regards to an application to amend the zoning map, the planning office shall update the zoning map to reflect the action of city council.

5.38 Notice of decision. The city clerk shall send the applicant a letter notifying the applicant of the city council's action regarding the application for a zoning map amendment.

5.4 Procedure for comprehensive zoning map amendment in accordance with 5.13.

5.41 Public hearing and notice. A comprehensive zoning map amendment shall be subject to public hearing before the planning commission and city council prior to adoption. The planning office shall advertise the public hearings as follows:

1) The planning office shall advertise the public hearing in two newspapers of general circulation at least fifteen (15) days prior to the planning commission hearing.

2) The planning office shall notify all affected property owners by mail at least 15 days prior to the planning commission hearing, informing them of the proposed zoning map amendment as it relates to their property.

3) Such notices shall state the date, time and place of the planning commission and city council hearings and a brief description of the proposed zoning text amendment, and specify that documents are available in the planning office for review.

5.42 City planner report. For any comprehensive zoning map amendment, the city planner shall issue a report to the planning commission and city council, including comments from other reviewing agencies, that identifies:

1) The reasons for the comprehensive zoning map amendment;

2) All properties where a change in zone is proposed; and

3) How the proposed changes to the zoning map support the city's current comprehensive plan.

5.43 Report of the planning commission. Regarding each application for a zoning map amendment, the planning commission shall provide a report to the city council stating a recommended action with regards to the proposed amendment, along with the commission's evaluation of the following factors:

1) Whether the uses permitted by the proposed change would be compatible with the existing uses and zones in the area concerned;
2) Whether adequate public services and infrastructure exist or can be created or expanded to serve the needs of any additional demand as a result of such change; and
3) Whether the proposed change is in accordance with the city's current comprehensive plan.

5.44 Adoption of comprehensive zoning map amendment. Upon adoption of the comprehensive zoning map amendment by city council, the zoning of properties shall be as reflected in the adopted map.

5.45 Notice of decision. The city shall notify all affected property owners in writing with regards to any amendments to the zoning map that affect their properties.

~~**5.12Fees. Each petition for a rezoning amendment shall be accompanied by a minimum fee as provided for in Appendix F--Fees and Fines. In addition, each district would require supplemental fees per acre, as provided for in Appendix F--Fees and Fines, based on the following groupings: Residential and single family (R-7, R-8, R-10, R-15, and R-20), multifamily (RG-0, RG-1, RG-2, RG-3, RG-4, RG-5, RM-1, and RM-2), cluster and MHP, commercial and institutional (C-1, C-1A, C-2, C-2A, C-3, CPO, RC and IO), shopping center development (SC-1, SC-2 and SC-3), and manufacturing and industrial development (M and IPM). All applications for amendment to the zoning ordinance appendix B shall be accompanied by a fee as provided for in Appendix F--Fees and Fines.**~~

~~**5.13Public hearing; notice. The date, time and place of a public hearing shall be set and notice thereof shall be given in accordance with the provision of chapter 3 of title 22 of the Delaware Code (22 Del. C. § 301 et seq.).**~~

~~**(a) When there is a petition to rezone property in accordance with subsection 5.111, all property owners within a distance of 200 feet shall be notified by**~~

~~regular mail of the applications for rezoning. No fee shall be required for petitions filed in favor of or against a pending application.~~

~~(b) When there is a proposed amendment to the zone map or zoning ordinance appendix B text as a result of a new, revised, or amended comprehensive plan, the planning commission and city council shall hold public hearings, to be advertised in two newspapers of general circulation at least 15 days prior to the planning commission hearing. Said notices shall state the time and place of the planning commission hearing and the city council hearing, a brief description of the proposed amendment or map depicting the proposed amended zoning map, and that the amended zoning map is filed at the Dover City Library, and with the planning department for public review.~~

~~5.14 Proposed amendments. Should any proposed amendment consist of or include:~~

~~5.141Boundary changes. Any change in the boundaries of any zone, which change would occur within a distance of 500 feet of the boundary of any other municipality; or~~

~~5.142 Regulation changes. Any change in the regulations prescribed for any zone, any portion of which is located within 500 feet of such boundaries;~~

~~the city clerk shall transmit to the municipal clerk of such other municipality a copy of the official notice of the public hearing thereon not later than the day after such notice appears in the official newspaper of the city.~~

~~5.15Public hearing notice contents. All notices of public hearings shall specify:~~

~~a. The nature of any proposed amendment;~~

~~b. The land or district affected; and~~

~~c. The date when, and the place where, the public hearing will be held.~~

5.5 ~~5.16~~ Amendment protests. In the case of a protest against any amendment, such amendment shall not become effective, except in accordance with the provisions of section 305 of chapter 3 of title 22, Municipalities, of the Delaware Code Annotated (22 Del. C. § 305).

5.6 ~~5.17~~ ***Zoning map a***mendment approvals. In all cases where the city council shall approve an amendment to the zoning map, the said council shall find that, for reasons fully set forth in the said findings, such amendment is in conformity with the comprehensive plan for the city.

~~5.18 Submission requirements accompanying petitions for amendments to the zoning map. The petitioner shall cause a site map to be prepared by a civil engineer,~~

~~surveyor, land planner, architect or other competent person. The petitioner shall submit 15 copies of the site map to the city clerk. The elements to be included on the site map are listed below:~~

~~5.181 Scale and dimensions. The map shall be at least 18 by 26 inches, but not more than 24 by 36 inches and at a scale of ten, 20, or 40 feet to the inch, except that if the property has a maximum dimension over 900 feet, a scale of 50 feet to the inch may be used.~~

~~5.182Legal data.~~

~~(a) Lot, block and section number of the property.~~

~~(b) Name and address of the owner of record.~~

~~(c) Name and address of the equitable owner, if any.~~

~~(d) Name and address of the person, firm or organization preparing the map.~~

~~(e) Date, north point and written and graphic scale.~~

~~(f) Sufficient description of information to precisely define the boundaries of the property and that portion of the property for which a rezoning is requested; and total acreage for which a rezoning is requested. All distances shall be in feet and hundredths of a foot. All angles shall be given to the nearest second or closer. The error of closure shall not exceed one in 10,000.~~

~~(g) The locations, names and existing widths of adjacent street rights-of-way and curblines.~~

~~(h) Location, width and purpose of all existing and proposed easements, setbacks, reservations and areas dedicated to public use within or adjoining the property.~~

~~(i) A complete outline of existing deed or proposed restrictions or covenants applying to the property and a recital of the deed.~~

~~(j) Existing and proposed zoning.~~

~~(k) Existing and proposed use.~~

~~(l) Other existing development on the property, including fences and landscape screening.~~

~~(m) Two location maps, one at a scale of 1,200 feet to the inch, and one at a scale of 400 feet to the inch, showing the distance along all adjacent roads to the nearest intersections.~~

~~(n) Proposed access to the property from existing roads.~~

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~~(o) Significant natural features, including topography, location of flood hazard areas, and the location of different soil types as indicated by the Kent County soil survey. The soils information shall be supplemented by soil boring and percolation test data, if requested by the city.~~

~~(p) Full and complete information requested by the *city* planner in accordance with the development information requirements set forth in section 4.~~

~~5.183Rezoning to prior classification. In all cases where the city council shall approves an amendment to the zoning map because of a request for new construction of buildings or structures on the rezoned land or where new construction is required to carry out the new use on the rezoned land, the city council shall reconsider the zoning classification by having an amendment to rezone the land to its prior classification be automatically placed on the agenda by the city clerk, unless, within one year from the effective date of the amendment to the zoning map, one of the following conditions is met:~~

~~a. New construction is started on the rezoned land according to the request for the amendment and such construction is proceeding in a normal and reasonable manner toward completion; or~~

~~b. City council is given a satisfactory explanation for the failure to commence construction and reasonable written assurance that construction will commence soon after passage of the one-year period and will proceed in a normal and reasonable manner toward completion; or~~

~~c. The current zoning is in conformance with the current comprehensive plan and its prior zone was not conforming with the current comprehensive plan.~~

5.184 Reconsideration, one-year limitation.

(a) Whenever ~~a petition requesting~~ an amendment~~, supplement, or change~~ has been denied by the city council, such ***amendment*** ~~petition~~, or one substantially similar, shall not be reconsidered sooner than one year from the date of the prior denial, except as provided in subsection (b) hereof.

(b) Notwithstanding the provisions of subsection (a) hereof, the planning commission may request the council to reconsider an application within the one-year period from the denial of the same if the land use in the area has changed to such a degree that failure to do so would prevent proper planning and development of the area in question.

5.19 Closed zones. Where the city finds that new development in a certain zone would be inconsistent with the purposes of this ordinance, but that elimination of or substantial changes to the zone would create a hardship for many owners of existing buildings and

land in that zone, the city may declare the zone closed. The city council shall not accept or approve amendments to the zoning map which would place land in a closed zone. Closed zones include:

(a) R-7;

(b) RG-4;

(c) RG-O, except in the downtown redevelopment target area as described in appendix C of the City of Dover Code of Ordinances.

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Proposed Changes to Zoning Ordinance
Article 10 – Planning Commission

UPDATED Summary of Comments Received

Comment	Submitted by	Planning Staff Recommendation
Recommend allowing a two-year extension, total plan life of four years.	Matt Spong, Landscape Architectural Services	Staff recommends keeping a one-year extension and total three year plan life.
Historic District Commission should review all projects on the Green and Constitution Place	Historic District Commission	This can be addressed in the Standards and Guidelines.
Add back in the requirement of the Historic District Commission to produce an annual report of its activity	Historic District Commission	Staff supports this change
Recommend that Site Development Master Plans have an approval for five years and eliminate the requirement that construction begin within one year and that construction not cease for more than two years between phases	Gregg Moore, Becker Morgan Group	The current draft keeps the approval active for five years provided construction begins within two years of Planning Commission approval and that construction not cease for more than two years between phases. Staff does not support this change.
Recommend that the mailing distance for public notice remain at 200 feet from subject property rather than be extended to 300 feet.	Gregg Moore, Becker Morgan Group	Staff supports this change but notes that the expansion of the distance to 300 feet is consistent with the direction given by City Council, through the Legislative, Finance and Administration Committee in September 2010. The minutes from this meeting are attached.
Recommend language clarifying the following: • The Planning Commission must document findings of fact in their decision regarding Conditional Use Permit revocation • The state and city code requirements listed in the City Planner Report is not a comprehensive list of all such code requirements. • Under Demolition by Neglect, clarify that the City Planner shall notify the Historic District Commission of dangerous buildings referred by the Building Inspector.	Glenn Mandalas, Attorney	Staff supports these changes and has incorporated them into a draft to be presented at the Legislative, Finance & Administration Committee.

Townshend, Ann Marie

From: Phil McGinnis <pjm@mcginnisrealty.com>
Sent: Tuesday, May 10, 2011 3:41 PM
To: CompPlan; Townshend, Ann Marie
Cc: 'Constantine F. Malmberg'; 'Paradee, John W.'; 'Tom Burns'; 'Holland Connie (OMB)'; jmolinaro@realtors.org
Subject: Article 10 amendments

Ann Marie-
I appreciate being included in the Article meeting last week.
The mere thought of streamlining is appealing to me.
Further, more consistency in the timelines, deadlines, and other requirements are likewise welcomed.
I hope you will consider and provide for allowances for mixed-use zoning conditions as we move closer to Smart Growth principles.
I know Connie Holland is looking at developing a form-based zoning guideline book, and I hope that all municipalities will start planning for at least some aspect of form-based zoning.
Looking forward to a wild ride through Article 10.

Phil McGinnis, CCIM, GAA, ALC, e-PRO
McGinnis Commercial Real Estate Company
302-736-2710 office
302-270-0656 cell
mailto:pjm@mcginnisrealty.com



Townshend, Ann Marie

From: Matt Spong <matt@las-llc.net>
Sent: Friday, May 13, 2011 2:09 PM
To: Townshend, Ann Marie; Melson-Williams, Dawn; Albert, Michael
Subject: Porposed changes zoning Oridiance

5-13-11,

As discussed at hearing last week Expiration of plans:

The proposed 2 year expiration after planning commission approval is a great idea. Please consider a 2 year extension. In today's economy and regulatory environment this extra time would be appreciated.

Thanks for your consideration.

Matt
Matthew, T . Spong RLA, ASLA, Principal
Landscape Architectural Services, L.L.C.
Phone: 302-284-4578
FAX: 302-284-0301
matt@las-llc.net
www.las-llc.net

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Excerpt from Minutes of the Historic District Commission Meeting of April 21, 2011

Draft Zoning Text Amendment MI-11-06 Updates to *Zoning Ordinance*, Article 10 §3. Historic District Commission and Architectural Review

Mrs. Melson-Williams stated that the Planning Staff has been working on what is Article 10 of the *Zoning Ordinance.* Article 10 describes the process and procedures for Conditional Use applications and Site Development Plans which are both Planning Commission processes. It describes the processes for the Historic District Commission and Rezoning type of applications.

Mrs. Melson-Williams further stated that specifically what she has given you is the excerpt of Article 10 which is Section 3 which is the Historic District Commission. It describes the Historic District Commission, its appointment, and then the Architectural Review process. Your packet included a Copy A excerpt and a Copy B excerpt. Copy A is taking the existing Code and showing the editing marks. The existing Code is in black, where we are deleting statements is notated in red with a strikethrough through it, and where we are adding text is in blue italics. We have found in doing amendments to text, often times people want to know what did it say and what are we putting in there.

Mrs. Melson-Williams further stated that Version B which Staff calls the "Black Ink Version" is what it will ultimately look like once the editing is completed. Ignore the yellow highlights, these are section references that Staff has to double check and make sure that numbers match and that they are referring to the right section if things get re-numbered. We have done some work on numbering in this section since we issued this to you. Before I start answering questions, this is coming to you as an informational item. Staff is at the very beginning of what will be the whole formal process in order to make these changes in the *Zoning Ordinance.* It has to appear before a City Council Committee that is scheduled for next week. Staff will also be doing a public outreach meeting to developers, architects, engineers, and folks that use this on a regular basis that we deal with in using it. This will happen in May and we are hoping that the overall Ordinance will start the formal review process in June. It has to go through a "First Reading" with City Council, then a public hearing and review before the Planning Commission, and then final public hearing and review with City Council. We are looking at mid-summer before any of this would be put in place. The blue sheet outlined the key revisions and things that we are doing with text amendment.

Mr. Scrafford questioned regarding line 322, Section A, it does not reference The Green as a requirement. Line 322 states that the City Planner can do all those things and we specifically requested that these things on The Green be referred to us at least for our review in order to know that they are going on.

Mr. McDaniel stated that he agreed with Mr. Scrafford. He feels that we should also include Constitution Place. Responding to Mr. McDaniel, Mrs. Melson-Williams stated that in the Draft *Design Guidelines* what we had suggested was that The Green and Constitution Place that those areas be treated specifically in that. It would include State Street to Water Street and from The Green up to Loockerman Street. She is not sure how to implement that into here; however, they will look at it.

Mr. Scrafford stated that it needs to be because as it stands right now, you do not need this Commission. The way that it is written right now, the City Planner can do all of these things without this Commission's approval. Responding to Mr. Scrafford, Mrs. Melson-Williams stated that the City Planner does not use a separate set of *Guidelines* and a portion of the *Zoning Ordinance* that refers you to those *Guidelines* to do the activities and to do the Architectural Review Certification may be enough to cover that or it may not.

Mr. Fisher questioned at our last meeting where we had the untimely application for extension, this says a request for extension has to be thirty (30) days prior to expiration of the Commission's recommendation of one year. There is no provision in here for a waiver. If we are going to have the power to waive should it be stated that the Commission has the power to waive or the Commission does not have the power to waive? If it is silent he would assume that they would not have the power to waive.

Mr. Salkin stated in Section 3.14 under "organization" the last sentence was crossed out that stated "The Commission shall produce and annual report of its activity that is kept on file for public review." He does not object to this; however, it seems to him that there should be some requirement that the summary of what we do whether it is annually, monthly, or quarterly should be available to the public to explain a summary of the actions we have taken. It could be placed on the website and not necessarily an annual report or a separate document.

Mr. Scrafford questioned where the minutes of this Commission are retained and available to the public? Responding to Mr. Scrafford, Mrs. Melson-Williams stated that they are physically retained in the Planning Office and they are accessible through the City's website. All the minutes from all of the various Boards, Commission, and Committees are available on the City's website.

Mr. Salkin stated that he was thinking some kind of summary form so that people could understand what we do. Responding to Mr. Salkin, Mrs. Melson-Williams stated that she thinks that they would put the sentence back in. She can tell you that the annual report that the Planning Office does has a summary page of the applications that were heard and that is the version of the chart that you see that has each years applications on it.

Note: At 4:00 PM Mr. McDaniel and Mr. Salkin left the meeting for other commitments.

Mr. Scrafford stated that the only other issue that he noticed was that there are places where we do a recommendation for an Architectural Review Certificate and places where we actually issue the Certificate. Responding to Mr. Scrafford, Mrs. Melson-Williams stated that this is one of the things that we are trying to clarify. There are three (3) types of Architectural Review Certifications. One is review by the City Planner with a Building Permit application as referenced in 3.22A. Then there is review by the Historic District Commission meaning it appears in front of you; you have the last say and issue the certificate. The third type of Architectural Review Certification is recommendation by the Historic District Commission with final action by the Planning Commission. This meaning the project is so big that it has to go to the Planning Commission; however, stops with this Commission first and you put together a series of recommendations on the Architectural Review Certificate. Your recommendation gets

forwarded onto the Planning Commission and the Planning Commission is the final say on the Architectural Review Certification.

Note: At 4:11 PM Mr. Jackson left the meeting. Quorum was lost but no actions were taken; only information presented to remaining members present.

Mr. Fisher stated on Line 995 and 996 in the blue language it states that "Such request shall be made in writing to the Planning Office at least thirty days." When you have the black ink copy that line is not there, only in subsection d where the extension has to be made within thirty days is it mentioned. Responding to Mr. Fisher, Ms. Cornwell stated that it is in there, line 818 through 820.

Mr. Fisher stated that his only concern regarding the thirty days is that it is clear in both copies, no matter how you read it, and if the thirty day condition can be waived. His personal preference would be no; however, it is not up to him to make that decision.

Ms. Melson-Williams stated that one thing that they did regarding Demolition by Neglect is that we wrote a paragraph that clarifies what steps they need to do before it arrives before this Commission.

Mr. Scrafford stated regarding 3.43A section starting with Line 1092 it does state that "The City Planner shall notify the Historic District Commission;" however, it does not say when should it? Responding to Mr. Scrafford, Mrs. Melson-Williams stated that the test with how it is written here is if it is meeting the definition of "dangerous building" and then that dangerous building then gives the citation for that. There may be something else in Chapter 22 that gives what the responsibility of the Planner is regarding reasonable time.

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CITY OF DOVER
PLANNING & INSPECTIONS

May 24, 2011

Ann Marie Townshend, AICP
City of Dover Planning & Inspections
PO Box 475
Dover, DE 19903-0475

RE: **COMMENTS ON PROPOSED ARTICLE 10 REVISIONS**
Dover, Delaware

Dear Ann Marie:

After having reviewed the proposed changes to the above referenced Zoning Code section, I am providing the following comments:

1. I believe that the section pertaining to the time frame for Site Development Master Plans should also be addressed. Currently the Zoning Code states that *"approval of the master plan shall remain valid for a period not to exceed five years from the date of planning commission approval, provided that the authorized construction or use has commenced within one year of approval and is proceeding toward completion, unless an extension of time is applied for by the applicant and granted by the planning commission. In addition, the time between the completion of one phase and the initiation of the next phase shall not exceed a period of two years."* I believe that this should be modified to a straight five (5) year approval period and that the requirement for start of construction within one (1) year be eliminated. As part of this I also suggest that the two (2) year time frame between completion of one phase and start of construction for the next phase should be eliminated. The reasoning for this is that a master plan is a forward thinking plan and more complex than a site plan. The city should want larger projects to master plan, as this yields better projects and allows the city to plan for growth according to actual need. Master Planning requires substantially more planning time on the owner's side as far as coordination of phasing with their operations and capital expenditures as well as the fact that obtaining financing for such projects takes much longer. Additionally, it takes considerably longer to coordinate and develop construction plans, both for the site and architecture for a master plan project. Obtaining agency approvals for said plans is also a longer process due to coordinating the various phases involved with a master plan as far as utilities, traffic, stormwater etc. For these reasons I believe the one (1) year time frame for construction start is burdensome on the good developers who invest in master planning.

2. The current mailed public notice requirement is to send notices to all property owners within 200 feet of the subject property. The proposed

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change of sending notices to all properties within 300 feet of the property, I believe is excessive and not needed. The current requirement seems more than sufficient and currently works very well in conjunction with the newspaper notices. In my twenty or so years of dealing with the Planning Commission there has always been good representation of, and input by, the public on projects being heard, thus I don't believe the increase in distance is necessary. We always have people complain while testifying that they didn't get a notice, yet they appear at the hearings. Increasing the distance requirement will only create additional unnecessary cost to developers. I believe that annexations have actually led to more complaints than site plans. Take for example the case of Artis Drive. In the long run this will generate less tax revenue from development for the City of Dover in that increasing the cost burdens associated with the requirements to obtain site plan and agency approvals will eventually force some to abandon their development plans. Plus, the NIMBY attitude persists too much in the site plan arena.

Please feel free to contact me with any questions regarding this matter.

Sincerely,

BECKER MORGAN GROUP, INC.

Gregory V. Moore, PE
Vice President

MJH/rlh

City of Dover Article 10 Revision comments-ltr.doc

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: JUNE 30, 2011

APPLICATION: **TEXT AMENDMENTS: REVISIONS TO ARTICLE 10 OF THE ZONING ORDINANCE**

FILE #: **MI-11-06**

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

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC / WATER / WASTEWATER

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC / WATER / WASTEWATER

1. None

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC / WATER / WASTEWATER

1. None.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: June 30, 2011

D E L D O T

==========

APPLICATION: Text Amendment: Revision to Article 10 of the Zoning Ordinance
FILE#:MI-11-06 REVIEWING AGENCY: DelDOT

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

==========

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

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

CITY & STATE CODE REQUIREMENTS:

1. The Department has no comments.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

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

CITY OF DOVER
PC AMENDMENT #1
TO ORDINANCE #2011-14

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

That Ordinance 2011-14 be amended by striking lines 295-297 in their entirety and replacing them with the following:

2.11 Planning commission site plan review. Site development plans shall be subject to review and approval by the planning commission if they meet the following thresholds:

ADOPTED: *

SYNOPSIS

The proposed amendment clarifies awkward language included in the ordinance as initially presented.

Actions History: 7/18/11 – Introduced at Planning Commission

DRAFT

FINAL READING

CITY OF DOVER
ORDINANCE #2011-14

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

That Appendix B - Zoning, Article 10 – Planning Commission be amended by deleting it in its entirety and replacing it with the following:

ARTICLE 10. PLANNING COMMISSION

Section 1. Approval of conditional uses.

On application and after public notice and hearing, the commission may authorize the issuance by the city planner of permits for any of the conditional uses for which this ordinance requires, in the district in which such use is proposed to be located. In approving any such use, the planning commission shall take into consideration the public health, safety and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and may prescribe appropriate conditions and safeguards as may be required in order that the results of its action may, to the maximum extent possible, further the expressed intent of this ordinance and the accomplishment of the following objectives in particular:

1.1 Accessibility for emergency response. That all proposed structures, equipment or material shall be readily accessible for fire, ambulance, police, and other emergency response;

1.2 Harmony of location, size and character. That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the zone in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties;

1.3 Residential zones. That, in addition to the above, in the case of any use located in, or adjacent to, a residential zone:

1.31 The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, the said residential district or conflict with the normal traffic of the neighborhood; and

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1.32 The location and height of buildings, the location, nature and height of walls and fences, the nature and extent of landscaping, and other improvements on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

1.4 Conditional use permits.

1.41 Conditional use approval. Any use for which a conditional use permit may be granted shall be deemed to be a conforming use in the district in which such use is located, provided that:

(A) The provision in this ordinance under which such permit was issued is still in effect;
(B) Such permit was issued in conformity with the provisions of this ordinance; and
(C) Such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

1.42 Periodic renewal of conditional use permit. The commission may require that conditional use permits be periodically renewed. Such renewal shall be granted following public notice and hearing in accordance with subsection 1.53. The commission may withhold approval of the renewal upon a determination by the city planner to the effect that such conditions as may have been prescribed by the commission in conjunction with the issuance of the original permit have not been, or are being no longer, complied with.

1.43 Revocation of conditional use permit. If the city planner determines that the conditions prescribed by the commission in conjunction with the issuance of the conditional use permit have not been, or are no longer complied with, he shall initiate the process for revocation of the permit according to the following procedure:

(A) The city planner shall notify the permit-holder in writing of the noncompliance with the permit conditions and allow the permit-holder 30 days to comply with the permit conditions.
(B) If, after 30 days, the city planner determines that the permit-holder has not come into compliance with permit conditions, he shall notify the permit-holder that the planning commission will hold a public hearing on revocation of the conditional use permit.
(C) The planning commission shall hold a public hearing for which notice shall be completed by the planning office in accordance with the provisions of subsection 1.53 of this article.
(D) Following the public hearing, the planning commission shall take action in the following regard:
    (1) Revoke the conditional use permit.

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(2) Issue a probationary period after which the commission shall review the permit in accordance with the provisions regarding periodic renewal of conditional use permit.
(3) Determine that the conditional use may continue as initially authorized.

(E) The planning commission shall document findings of fact that support the action taken with regards to the conditional use permit.

1.5 Application procedure.

1.51 Preapplication Meeting. Prior to the submission of a conditional use application, the applicant or his representative shall meet in person with the city planner or his designee with a sketch plan. The purpose of this meeting shall be to discuss proposed uses or developments and to review the process and submission requirements.

1.52 Application. Application for a conditional use permit shall be submitted to the city planner, on forms approved by the planning commission, at least 30 days prior to the planning commission meeting at which approval of the permit is to be requested. Each application for a conditional use permit shall be accompanied by a fee as provided for in Appendix F--Fees and Fines.

1.53 Public hearing. Prior to the review and action on the conditional use permit application, the commission shall hold a public hearing subject to the following public notification procedures:

(A) The applicant shall advertise the public hearing in a newspaper of general circulation at least 15 days prior thereto.
(B) The applicant shall notify by mail all property owners within 200 feet of the extreme limits of the subject property as their names appear on the municipal tax record at least 15 days prior thereto.
(C) The applicant shall post a notice outlining the date, time, place, and nature of the hearing in a conspicuous location on the property at least 15 days prior to the planning commission hearing. Such notice shall be designed in accordance with standards set forth by the planning commission.
(D) The applicant shall provide the planning office with a copy of the notice, verification of newspaper publication, a date-stamped photo of the property posting, and post office mail receipts indicating the date of mailing for all letters on or before the meeting date.
(E) Said notices shall state the date, time and place of the hearing, the site location, a brief description of the conditional use and shall state that a copy of the conditional use application and plan is filed with the planning office for public review.

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1.54 City planner report. For each application for a conditional use permit, the city planner shall issue a report to the planning commission including comments from other agencies and detailing how the application conforms to the requirements of the zoning ordinance and other provisions of city and state codes. This report shall not be deemed to represent a comprehensive list of all city and state code requirements.

(A) The city planner shall transmit copies of the report and summary of the application to the planning commission at least seven days prior to the date of the meeting at which approval of the permit is to be requested.

1.55 Planning commission action. The planning commission shall act to approve or disapprove any such request for a conditional use permit within 45 days after the meeting at which approval is requested or within such additional time as may be consented to by the applicant. Planning commission disapproval shall include written findings upon any element found contrary to the provisions or intent of the zoning ordinance.

1.56 Notice of decision. The planning office shall send the applicant a letter notifying the applicant of the planning commission's decision on the conditional use permit application. Such letter shall document any conditions and waivers approved as part of the application approval. Whenever the planning commission denies an application for conditional use, such application for conditional use, or an application on the same property which is substantially similar, shall not be accepted for consideration by the planning commission sooner than one year from the date of denial.

1.57 Amendments. Substantial amendments to conditional use permits shall be acted upon in the same manner as the original request for a conditional use permit. The city planner shall review proposed amendments to determine if they are substantial in nature. Amendments that are not deemed substantial may be referred to the planning commission for consideration at the discretion of the city planner.

1.58 Transfer of property. If the property is sold by the applicant or by any affiliated member of a single corporate family of which the applicant or its parent company is a member, after approval of the conditional use but before the proposed use or construction of the proposed use is started, or if, within 24 months of the approval, the proposed use or construction of the proposed use is not undertaken by or for the applicant or any affiliated member of a single corporate family of which the applicant or its parent company is a member, the conditional use approval shall be null and void, unless an extension of time is granted by the planning commission.

1.59 Final plans and working drawings. Following approval by the planning commission, the applicant shall develop final conditional use permit plans for approval by the planning office. The planning office shall determine that all

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necessary approvals have been issued by city departments, and outside regulatory agencies, prior to issuing final plan approval. No building permit shall be issued until such time that the planning office has issued final conditional use permit plan approval.

1.6 Expiration of planning commission approval.

1.61 Conditional use approval shall expire on the last day of the 24th month after the date of final or conditional approval of the planning commission, if construction of the work authorized or use permitted has not started or unless an extension of time is applied for by the applicant and granted by the planning commission. Approval shall also expire if the construction of work authorized has stopped for a period of one year, unless an extension of time is applied for and granted by the planning commission.

1.62 Requests for extension of approval shall be made no later than 30 days prior to the final approval expiration date. Upon receipt of such requests, the matter shall be considered at the next regularly scheduled meeting of the planning commission.

1.63 In considering a request for an extension of approval, the planning commission shall consider, but not be limited to, the following:

(A) Whether the project has been delayed for reasons beyond the control of the applicant, excluding economic or financial reasons.

(B) Whether the applicant has made substantial progress toward obtaining final approvals.

(C) Whether there have been any significant changes in the surrounding neighborhood.

(D) Whether there has been any related amendments to the zoning map or text, or the comprehensive plan, or if any waivers or variances have been granted.

1.64 Requests for extensions shall be submitted in writing to the planning office.

1.65 Under no circumstances shall the planning commission grant extensions beyond 36 months from the date of first approval.

1.7 Submission requirements for conditional use permits requiring site development plan approval by the planning commission. The following submission requirements shall accompany applications for conditional use permits where site development plan approval by the planning commission is required by subsection 2.1. The applicant shall cause a site map to be prepared by a civil engineer, surveyor, land planner, or architect. The applicant shall submit copies of the site map to the city planner, who shall transmit copies to the planning commission at least seven days prior to the meeting at which

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approval of the permit is to be requested. Elements to be included on the site map are listed below:

1.71 Scale and dimensions. The map shall be at least 11 inches by 17 inches and at a scale of ten, 20, 30 or 40 feet to the inch, except that if the property has a maximum dimension over 900 feet, a scale of 50 feet to the inch may be used.

1.72 Legal data:

(A) Tax parcel identification number.
(B) Name and address of the owner of record.
(C) Name and address of the equitable owner, if any.
(D) Name and address of the person, firm or organization preparing the map.
(E) Date, north point and written and graphic scale.
(F) Sufficient description of information to define precisely the boundaries of the property and that portion of the property for which a conditional use permit is requested, and the approximate total acreage of that portion of the property for which a conditional use permit is requested. All distances shall be given in feet and tenths of a foot. All angles shall be given to the nearest ten seconds or closer. The error of closure shall not exceed one in 10,000.
(G) The locations, names and existing widths of adjacent street rights-of-way and curblines.
(H) The locations and owners of record of all adjoining lands.
(I) Location, width and purpose of all existing and proposed easements, setbacks, reservations and areas dedicated to public use within or adjoining the property.
(J) A complete outline of existing or proposed deed restrictions or covenants applying to the property and recital of the deed references if they are of record.
(K) Existing zoning, including two location maps, one at a scale of 1,200 feet to the inch, and one at a scale of 400 feet to the inch, showing the distance along all adjacent roads to the nearest intersection.

1.73 Existing structures.

(A) Location of uses and outlines of structures, drawn to scale on or within 100 feet of the property.
(B) Paved areas, sidewalks and vehicular access between the site and public streets.
(C) Other existing development, including fences and landscape screening.

1.74 Proposed use:

(A) A written description of the proposed use.

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(B) A designation of that portion of the existing structures to be devoted to the proposed use and for which a conditional use permit has been requested.
(C) A designation of that portion of the property to be devoted to the proposed use, not requiring structures and for which a conditional use permit has been requested.
(D) A designation of the parking area and indication of the number of off-street parking spaces.
(E) Indication of on-site circulation pattern and access to the property from adjacent roads.

1.75 Proposed development:

(A) Conditional use applications involving construction of new buildings and structures shall include a site plan which reflects compliance with the minimum requirements of subsection 2.5.

1.76 Natural features:

(A) Topography of the site.
(B) Location of different soil types, as indicated by the Soil Survey of Kent County prepared by the Natural Resources Conservation Service. The soils information shall be supplemented by soil boring and percolation test data if requested by the city.
(C) Location of flood hazard areas as identified on the FEMA flood insurance maps.
(D) Location of significant natural features, including, bodies of water, wetlands and forest areas.

1.77 Requested information: Full and complete information requested by the city planner in accordance with the development information requirements set forth in section 4.

1.78 Miscellaneous information: Other information deemed by the planning commission to be necessary to determine conformity with the intent of this ordinance.

1.8 Submission requirements for conditional use permits where site development plan approval by the planning commission is not required. The following submission requirements shall accompany applications for conditional use permits where site development plan approval by the planning commission is not required by subsection 2.1, where the applicant is seeking conditional use approval to occupy an existing structure. The applicant shall submit copies of the site map conforming to the specifications listed below to the city planner, who shall transmit copies to the planning commission at least seven days prior to the meeting at which approval of the permit is to be requested. Elements to be included on the site map are listed below:

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1.81 Scale and Dimensions. The map shall be at least 8.5 inches by 11 inches and at a scale of ten, 20, 30 or 40 feet to the inch, except that, if the property has a maximum dimension over 900 feet, a scale of 50 feet to the inch may be used.

1.82 Existing Conditions. The existing building and conditions on the lot must be depicted. It is permissible to utilize the most recent mortgage survey of the property for this purpose. If conditions, such as buildings and building additions, paved areas, landscaping and accessory structures, on the lot have changed since the survey was completed, the applicant shall depict these changes on the plan to the best of his ability. However, the nature and extent of such revisions must be approved by the city planner at the required preapplication meeting.

1.83 Proposed use:

(A) A written description of the proposed use.
(B) A designation of that portion of the existing structures to be devoted to the proposed use and for which a conditional use permit has been requested.
(C) A designation of that portion of the property to be devoted to the proposed use, not requiring structures and for which a conditional use permit has been requested.
(D) A designation of the parking area and indication of the number of off-street parking spaces.
(E) Indication of on-site circulation pattern and access to the property from adjacent roads.

1.84 Additional Information. The city planner and/or planning commission may request more detailed information, including but not limited to architectural floor plans, on a case-by-case basis at their discretion.

1.85 Legal data:

(A) Tax parcel identification number.
(B) Name and address of the owner of record.
(C) Name and address of the equitable owner, if any.
(D) Name and address of the person, firm, or organization preparing the map.
(E) Date, north point, and written and graphical scale.
(F) The location and names of adjacent streets.
(G) The location, zoning, and owners of record of all adjacent properties.

Section 2. Site development plan approval.

2.1 Required. Site development plan approval shall be required for the erection or enlargement of all structures and the establishment of any use for which site development plan approval is required by this ordinance. Site development plan shall be required according to the following criteria:

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2.11 Planning commission site plan review. Site development plans shall be referred to the planning commission for consideration and review include any of the following:

(A) Site plans for new structures and building additions of 3,000 square feet or greater in floor area; or
(B) Site plans with a total of 5,000 square feet or greater of new or added impervious surface, including new structures or building additions; or
(C) Nonresidential site plans with site disturbance greater than 1,500 square feet and adjacent to residential uses or residential zones.

2.12 Site development master plan. Site development master plans shall be subject to review and approval by the planning commission in accordance with subsection 2.44.

2.13 Zoning review. For site development plans involving construction of a single family detached, single family attached, or single family semi-detached dwelling; an accessory structure; or a non-residential change of use for which no building addition or increase in impervious cover is proposed, the city planner or his designee may approve the site development plan in conjunction with building permit review.

2.14 Administrative site plan. All site development plans that do not meet the thresholds for zoning review in accordance with subsection 2.13 or planning commission site plan review in accordance with subsection 2.11 shall be reviewed as administrative site development plans.

2.2 Objectives. In considering and acting upon site development plans, the public health, safety and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular shall be taken into consideration and appropriate conditions and safeguards may be prescribed as may be required that the results of approval may, to the maximum extent possible, further the expressed intent of this ordinance and the accomplishment of the following objectives in particular:

2.21 Maximum safety and convenience of vehicular, transit, bicycle, and pedestrian traffic by ensuring that all proposed and impacted streets, driveways and walkways are adequate, but not excessive in number, adequate in width, grade, alignment, capacity, and visibility, and suitably located, particularly with respect to their connections with public streets.

2.22 The provision of adequate access to all proposed structures, equipment, or material on the site for fire, ambulance, police, and other emergency services.

2.23 The provision of adequate off-street parking to accommodate the vehicles of persons connected with or visiting the use and to obviate the parking of such vehicles in public streets.

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2.24 A site layout (including the location, power, direction, and time of any outdoor lighting of the site) which would have no adverse effect upon adjacent properties.

2.25 Landscaping of the site in a manner which is in character with that generally prevailing in the neighborhood and which provides reasonable screening, at all seasons of the year, of all playgrounds, parking areas, and service areas from the view of adjacent residential properties and streets.

2.26 In applicable cases, a drainage system and layout which would afford the best solution to any drainage problems.

2.27 Ensure that large scale development projects involving extended construction periods are planned and implemented in accordance with an approved site development master plan.

2.28 Consideration shall be given to the physical orientation and architectural characteristics of proposed buildings, the relationship of proposed buildings to existing buildings and to other proposed buildings, and their contributions to the overall image of the immediate vicinity by considering the building and architectural design guidelines as set forth in article 5, section 19. Design characteristics of proposed buildings and building additions shall not detract or devalue existing buildings in the immediate vicinity.

(A) If the planning commission determines that the proposed physical orientation and architectural characteristics of the proposed buildings do not meet the intent and objectives of this section, then the planning commission shall refer the proposal to the architectural review oversight subcommittee for review and comment.

(B) The subcommittee shall meet and review the proposal with the applicant, and return its comments to the planning commission by the next regularly scheduled meeting.

(C) The architectural review oversight subcommittee shall be appointed by the commission at its annual meeting, and membership shall consist of two planning commission members, and two design professionals with experience in construction, and the mayor or the mayor's designee. Two alternate design professionals with experience in construction shall also be appointed.

2.3 Effect of site development plan approval. No building permit will be issued for any structure covered by this section until an approved site development plan or approved amendment of any such plan has been secured by the applicant. No certificate of occupancy will be issued for any structure or use of land covered by this section unless the structure is completed or the land is developed or used in accordance with an approved site development plan or approved amendment of any such plan.

2.4 Application Procedure.

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2.41 Preapplication Meeting. Prior to the submission of a site development plan, the applicant or his representative shall meet in person with the city planner or his designee with a sketch plan. The purpose of this meeting shall be to discuss proposed uses or developments in order to determine, first, whether the site development plan application shall be submitted to the city planner for consideration and review as an administrative site plan or shall be referred to the planning commission.

If the application is to be referred to the planning commission, the applicant shall be informed at the preapplication meeting which elements listed in subsection 2.5 below will be required in determination of conformity with the provisions and intent of this section, along with any other comments and suggestions intended to bring about conformity with the provisions and intent of this section.

2.42 Administrative site plan review.

(A) Process for administrative site plan application. If, as a result of the preapplication meeting as described in subsection 2.41, it is determined that the proposed uses or development is of a type that may be approved by the city planner, the applicant shall submit the application for site development plan approval on forms approved for that purpose, to the city planner with the required documentation under the provisions of subsection 2.5, and a fee as provided for in Appendix F: Fees and Fines. The city planner shall coordinate the reviews of the various administrative departments of the City of Dover and outside regulatory agencies and approve the application within thirty (30) days of the date of submission or refer it to the planning commission at their next scheduled meeting.

(B) Final plans and working drawings. Following initial review and comment by the city planner, the applicant shall develop final construction plans for approval by the planning office. The planning office shall determine that all necessary approvals have been issued by city departments and outside regulatory agencies prior to issuing final plan approval. No building permit shall be issued until such time that the planning office has issued final site plan approval.

(C) Expiration. Administrative site development plan approval shall expire on the last day of the 24th month after the date of final approval by the planning office if construction of the work authorized or use permitted has not started or unless an extension of time is applied for by the applicant and granted by the city planner. Approval shall also expire if the construction of work authorized has stopped for a period of one year unless an extension of time is applied for and granted by the city planner.

(D) Circumventing zoning requirements. Administrative site plans shall not be used to circumvent the requirement of planning commission site plan review.

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If the city planner determines that cumulative administrative site plans on a property are being used to circumvent the requirements of the zoning ordinance or other provisions of the Dover Code of Ordinances, he shall refer the application to the planning commission, subject to the requirements of subsection 2.43.

2.43 Planning commission site plan review.

(A) Site development plan. If, as a result of the preapplication meeting as described in subsection 2.41, it is determined that the proposed uses or development is of a type that would be reviewed by the planning commission and approval or disapproval of the application given by that body, the application for site development plan approval shall be submitted to the city planner on forms approved by the planning commission, at least 30 days prior to the planning commission meeting at which approval is to be requested. The application for site development plan approval shall be accompanied by a fee as provided for in Appendix F--Fees and Fines.

(B) Land subdivision. If a proposed use or development requires planning commission review under the land subdivision regulations of the City of Dover as set forth in appendix A, the application for conditional approval of the preliminary layout, under article IV, section B of that ordinance appendix A, and the application for site development plan approval under this ordinance shall be submitted and reviewed concurrently. The application for site development plan approval shall be revised and all changed elements resubmitted and reviewed concurrently with the application for plan approval under article IV, section C of the land subdivision regulations set forth in appendix A.

(C) Public hearing. Prior to the review and action on the site plan application, the commission shall hold a public hearing subject to the following public notification procedures:

(1) The applicant shall advertise the public hearing in a newspaper of general circulation at least 15 days prior thereto.

(2) The applicant shall notify, by mail, all property owners within 200 feet of the extreme limits of the site plan property as their names appear on the municipal tax record at least 15 days prior thereto.

(3) The applicant shall post a notice outlining the date, time, place, and nature of the hearing in a conspicuous location on the property. Such notice shall be designed in accordance with standards set forth by the planning commission.

(a) The applicant shall provide the planning office with a copy of the notice, verification of newspaper publication, a date-stamped photo of the property posting, and post office mail

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receipts including the date of mailing for all letters on or before the meeting date.

(4) Said notices shall state the date, time and place of the hearing, the site location, a brief description of the site plan and shall state that a copy of the site plan application and plan is filed with the planning office for public review.

(D) City planner report. For each site plan application to the planning commission the city planner shall issue a report to the planning commission including comments from other agencies detailing how the application conforms to the requirements of the zoning ordinance and other provision of city and state codes. This report shall not be deemed to represent a comprehensive list of all city and state code requirements. The city planner shall transmit copies of the proposed site development plan and the city planner's report to the planning commission at least seven days prior to the date of the meeting at which approval of the site development plan is to be requested.

(E) Planning commission action. The planning commission shall act to approve or disapprove any application for site development plan received by it either as an original review or as a referral from the city planner under the provisions of subsection 2.42(A) of this article within 45 days or within such additional time as may be consented to by the applicant. Planning commission disapproval shall include written findings upon any site development plan element found contrary to the provisions or intent of the zoning ordinance.

(F) Notice of decision. The planning office shall send the applicant a letter notifying the applicant of the planning commission's action regarding the site plan application. Such letter shall document any conditions and waivers approved or recommended as part of the application approval.

(G) Final plans and working drawings. Following approval by the planning commission, the applicant shall develop final site plans for approval by the planning office. The planning office shall determine that all necessary approvals have been issued by city departments and outside agencies regulating street access and stormwater management, prior to issuing final plan approval. No building permit shall be issued until such time that the planning office has issued final site plan approval

(H) Amendments. Substantial amendments to an approved site development plan shall be acted upon in the same manner as the original plan. The city planner shall review proposed amendments to determine if they are substantial in nature. Amendments that are not deemed substantial may be referred to the planning commission for consideration at the discretion of the city planner.

(I) Expiration of planning commission approval.

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(1) Site development plan approval shall expire on the last day of the 24th month after the date of final or conditional approval of the planning commission if construction of the work authorized or use permitted has not started or unless an extension of time is applied for by the applicant and granted by the planning commission. Approval shall also expire if the construction of work authorized has stopped for a period of one year unless an extension of time is applied for and granted by the planning commission.

(2) Request for extension of approval shall be made no later than 30 days prior to the final approval expiration date. Upon receipt of such request, the matter shall be considered at the next regularly scheduled meeting of the planning commission.

(3) In considering a request for an extension of approval, the planning commission shall consider, but not be limited to, the following:

(a) Whether the project has been delayed for reasons beyond the control of the applicant, excluding economic or financial reasons.

(b) Whether the applicant has made substantial progress toward obtaining final approvals.

(c) Whether there have been any significant changes in the surrounding neighborhood.

(d) Whether there has been any related amendments to the zoning map or text, or the comprehensive plan, or if any waivers or variances have been granted.

(4) Requests for extensions shall be submitted in writing to the planning office.

(5) Under no circumstances shall the planning commission grant extensions beyond 36 months from the date of first approval.

2.44 Site development master plans. Conceptual site development master plans shall be reviewed by the planning commission in accordance with the provisions of subsection 2.43. Conceptual site development master plans shall depict a site development proposal that reflects general compliance with the provisions of the zoning ordinance and shall also reflect the following information on the plan:

(A) Conceptual Master Plan. Conceptual Master Plan shall include the proposed general layout of building, streets, parking, open space, landscape concepts, and stormwater management areas.

(1) Detailed site construction plans, details, and specifications are not required as part of a site development master plan submission.

(2) The plan shall illustrate distinct phase boundaries for each proposed construction phase and shall depict proposed construction and site improvements planned for each phase. Bulk quantities and area totals for

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each construction phase, and for the total site, shall be tabulated in a data column on the plan.

(3) Each construction phase shall be enumerated in sequential order on the site development master plan according to the order of construction contemplated by the plan. Phases shall be implemented in accordance with the approved site development master plan unless the city planner approves an alternate phasing.

(4) Each construction phase represented on the master plan shall be planned and designed to function independent of construction and site improvements contemplated in future construction phases in all respects, including but not limited to bulk area provisions of the zoning district in which the site is located, off-street parking requirements, site entrances, emergency access requirements, site utilities, and stormwater management improvements except where the requirements and needs of a later phase are met and remain met by a previous phase of completed construction.

(5) Any special agreements or conditions of approval relative to the overall development that have been specified by regulatory agencies shall be documented on the site development master plan.

(B) Phased site plan approval. Individual phased components of the Conceptual Master Plan are to be reviewed and approved as an Administrative Site Plan. Final site construction plans, including detailed site grading, paving, utilities, stormwater management, and tree planting and preservation plans shall be submitted for final approval by the city planner and/or authorized designee, and to other agencies having jurisdiction, on a phase by phase basis in accordance with the approved site development master plan, and all regulations of the City of Dover governing the approval of site plans as set forth in subsection 2.4 and 2.5.

(C) Amendments. Substantial amendments to an approved site development master plans shall be acted upon in the same manner as the original plan. The city planner shall review proposed amendments to determine if they are substantial in nature. Amendments that are not deemed substantial may be referred to the planning commission for consideration at the discretion of the city planner.

(D) Expiration of planning commission approval. For projects which are reviewed and approved by the planning commission as conceptual master plans, approval of the conceptual master plan shall remain valid for a period not to exceed five years from the date of planning commission approval, provided that the authorized construction or use has commenced within two years of approval and is proceeding toward completion. In addition, the time between

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the completion of one phase and the initiation of the next phase shall not exceed a period of two years.

2.5 Site development plan elements submission requirements accompanying applications for site development plan approval. The applicant shall cause a site development plan map to be prepared by a civil engineer, surveyor, land planner, or architect. The applicant shall submit copies of the site development plan to the city planner at the time of filing the formal application for site development plan approval under the provisions of subsection 2.42, subsection 2.43, or subsection 2.44. If the application is under the provisions of subsection 2.43 or 2.44, the city planner shall transmit copies of the site development plan map to the planning commission at least seven days prior to the meeting at which approval of the application for site development plan approval is to be requested. Site development plan elements shall include those listed below which are appropriate to the proposed development or use as indicated in the preapplication meeting required by the provisions of subsection 2.41.

2.51 Scale dimensions: Ten, 20, 30 or 40 feet to the inch, except that if the property has a maximum dimension over 900 feet, a scale of 50 feet to the inch may be used.

2.52 Legal data:

(A) Tax parcel identification number.
(B) Name and address of the owner of record.
(C) Name and address of the equitable owner, if any.
(D) Name and address of the person, firm or organization preparing the map.
(E) Date, north point and written and graphic scale.
(F) Sufficient description of information to define precisely the boundaries of the site, and total acreage of the site. All distances shall be given in feet and tenths of a foot. All angles shall be given to the nearest ten seconds or closer. The error of closure shall not exceed one in 10,000.
(G) The locations, names and existing widths of adjacent street rights-of-way and curblines.
(H) The locations and owners of record of all adjoining lands.
(I) Locations, widths and purposes of all existing and proposed easements, setbacks, reservations and areas dedicated to public use within or adjoining the property.
(J) A complete outline of existing or proposed deed restrictions or covenants applying to the property and recital of the deed references if they are of record.
(K) Existing zoning on the site and adjacent properties.

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(L) Two location maps, one at a scale of 1,200 feet to the inch, and one at a scale of 400 feet to the inch, showing the distance along all adjacent roads to the nearest intersections.

(M) Record of any agreements between the applicant and the city regarding the proposed development.

2.53 Natural features:

(A) Contour lines at vertical intervals of two feet for land with an average existing slope of four percent or less, and at intervals of five feet for land with an average existing slope greater than four percent.

(B) Location of different soil types, as indicated by the soil survey of Kent County, prepared by the Natural Resources Conservation Service, and including locations of flood hazard areas as identified in the FEMA Flood Insurance Maps. The soils information shall be supplemented by soil boring and percolation test data, if requested by the city.

(C) Location of significant natural features, including bodies of water, wetlands, and forest areas.

2.54 Proposed development:

(A) Existing buildings and other structures.

(B) Location and width of all proposed streets and rights-of-way. Speed bumps or speed dips for the purpose of slowing down traffic on any street shall not be permitted.

(C) Location of all proposed structures, except one-family detached dwellings, and an indication of the total number of dwelling units.

(D) Location and dimensions of all lot lines.

(E) Building setback lines on all lots.

(F) Location of all uses not requiring structures, including parks, playgrounds and other open space areas.

(G) Location and plans for any outdoor signs.

(H) Location, direction, power and time of use for any proposed outdoor lighting.

(I) The location, size and arrangement of proposed sidewalks, driveways, loading areas, off-street parking areas and other paved areas.

(J) Indication of the total amount of impervious surfaces and the development coverage.

(K) Any proposed changes in elevation of the site and elevations of all streets, parking areas, and building foundations. The datum to which all elevations, including existing contour elevations, refer shall be clearly indicated on the plan.

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(L) Plans for surface drainage of the site. Such plans shall include stormwater run-off calculations and shall show the proposed method of accommodating the anticipated run-off.

(M) Any proposed below-ground or above-ground utilities and any contemplated public improvements, including road improvements, on or adjoining the property. Plans for such utilities and improvements shall indicate whether the developer, the city, or other agency will bear the financial responsibility for the construction, and which improvements are intended to be dedicated to the city.

(N) Proposed grading, screening and other landscaping, including types and locations of proposed street trees.

(O) Architectural elevation drawings or other graphic representations illustrating exterior building characteristics of proposed buildings and/or building additions that would be visible from the public right-of-way. Elevation drawings shall be drawn to scale and shall reflect major architectural elements such as exterior surface materials, windows, doors, columns, and wall-mounted signage. Elevation plans are intended to provide a general depiction of the physical appearance, massing and scale of the proposed construction.

2.55 Requested information. Full and complete information requested by the city planner in accordance with the development information requirements set forth in section 4.

2.56 Development in stages. If the site development plan indicates more than one stage of the development, supplementary material shall be included to show compliance with article 5, section 9, development in stages.

2.57 Miscellaneous information. Other information deemed by the planning commission to be necessary to determine conformity with the intent of this ordinance.

Section 3. Historic district commission and architectural review.

3.1 Historic district commission established.

3.11 Creation and purpose. There shall be a historic district commission for the purpose of assisting the planning commission and city planner in reviewing applications for architectural review certifications as specified in subsection 3.2; and for making recommendations for designation of historic district zones; and for establishing guidelines for the preservation and conservation of historic district zones; and for advising other officials and departments in the City of Dover in matters concerning historic preservation; and for reviewing all proposed National Register nominations in the City of Dover; and for acting as a liaison on behalf of the City of Dover to individuals and organizations concerned with historic preservation; and for carrying out programs of historic preservation education in the City of Dover.

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3.12 Appointment. The commission shall consist of five members nominated by the mayor and approved by the city council, who are residents of the City of Dover and who have demonstrated special interest, experience, or knowledge in history, architecture, or historic preservation. Two of the members, to the extent available, shall be professional members representing the professions of architecture, history, archaeology, planning, historic preservation or related disciplines. At least two members shall be residents of the district, and at least one shall represent the business within the district.

3.13 Term. The members of the commission shall serve for three-year staggered terms. Vacancies shall be filled within 60 days in accordance with subsection 3.12 of this section.

3.14 Organization. The commission shall meet at least four times per year in a place that is advertised in advance and open to the public and shall keep minutes of its meetings that are available to the public. All review decisions shall be made in public. The commission shall establish bylaws for its general procedure, which shall include a section addressing conflicts of interest. The commission shall produce an annual report of its activity that is kept on file for public review with the city planning office.

3.2 Architectural review certification.

3.21 Effect of architectural review certificate. No building permit or certificate of occupancy may be issued for any structure in the historic district until an architectural review certificate is issued as required under article 3, section 21, subsection 21.3 for the historic district.

3.22 Architectural review certification by the city planner.

(A) An architectural review certificate for specific classes of building permits, including fences, signs, siding, window and door replacement, roofing, the addition or replacement of decorative features, minor demolition, residential additions, and other construction of a minor nature, may be issued by the city planner, after a review and determination that the proposed construction is in general accordance with the standards set forth in subsection 3.25.

(B) The city planner may refer any permit application for demolition or construction in the historic district for consultation with commission.

(C) All decisions of the city planner pursuant to this subsection shall be documented on the building permit. When the city planner grants a conditional approval under this section, all conditions of approval shall be set forth in writing on the building permit. In the event of a denial, the reasons for such denial shall be documented in a written notice of decision which shall identify all elements of the application found to be contrary to the provisions or intent of this section.

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(D) An applicant may appeal the decision of the city planner to the historic district commission and such appeal shall be considered as an architectural review certification application to the historic district commission and shall meet all of the requirements set forth in subsection 3.23.

3.23 Architectural review certification by the historic district commission

(A) The historic district commission shall issue architectural review certificates for the construction or demolition of single-family and two-family homes, and nonresidential structures or additions involving a gross floor area of 3,000 square feet or less, after review of the proposed construction and after a determination that the construction is in general accordance with the standards set forth in subsection 3.25 below.

(B) All applications to the historic district commission for architectural review certification shall be subject to the procedures set forth in subsection 3.26.

(C) All decisions of the historic district commission pursuant to this subsection shall be formalized in a written notice of decision. When the commission grants a conditional approval under this subsection, all conditions of approval shall be set forth in writing in the notice of decision. In the event of a denial, the notice of decision shall state the reasons for denial and shall identify all elements of the application found to be contrary to the provisions or intent of this subsection.

(D) An applicant may appeal the decision of the historic district commission to the planning commission, and such appeal shall be considered as an architectural review certification application to the planning commission and shall meet all of the requirements set forth in subsection 3.24 and subsection 3.26.

3.24 Architectural review certification by the planning commission.

(A) The planning commission shall issue architectural review certificates referred or appealed to it, upon review of the recommendations of the historic district commission and upon a determination that the proposed construction is in accordance with the standards set forth in subsection 3.25.

(B) All applications to the planning commission for architectural review certification shall be subject to the procedures set forth in subsection 3.26.

(C) All decisions of the planning commission pursuant to this subsection shall be formalized in a written notice of decision. When the planning commission grants a conditional approval under this subsection, all conditions of approval shall be set forth in writing in the notice of decision. In the event of a denial, the notice of decision shall state the reasons for denial and shall identify all elements of the application found to be contrary to the provisions or intent of this subsection.

3.25 Architectural review standards.

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(A) An architectural review certificate may be issued if it is found that the architectural style, general design, height, bulk and setbacks, arrangement, location and materials and structures affecting the exterior appearance are generally in harmony with neighboring structures and complementary to the traditional architectural standards of the historic district as set forth in the historic district design guidelines and standards adopted by the planning commission and as set forth in the United States Secretary of the Interior's Standards for Rehabilitation.

(B) The city planner, historic district commission or planning commission shall not consider normal maintenance and repair (see definitions, article 12), interior arrangement, or building features not subject to public view.

3.26 Procedures for an architectural review by the historic district commission and/or planning commission.

(A) Architectural preapplication meeting. Prior to action on any application for an architectural review certificate, the applicant shall meet in person with the city planner or his delegated representative. The purpose of such conference shall be to discuss the proposed construction or other action requiring the certificate in order to determine what information is useful in the determination of conformity with the provisions and intent of the historic district regulation as expressed in this ordinance.

(B) Application and fee. The application to the historic district commission for an architectural review certificate and related information shall be submitted to the city planner at least 30 days prior to the historic district commission meeting at which review is requested and shall be accompanied by a fee as provided for in Appendix F--Fees and Fines.

(C) Public hearing. Prior to the review and action on an architectural review certification, the historic district commission shall hold a public hearing subject to the following public notification procedures:

(1) The applicant shall advertise the public hearing newspaper of general circulation at least 15 days prior thereto.

(2) The applicant shall notify, by mail, all property owners within 200 feet of the extreme limits of the subject property as their names appear on the municipal tax record at least 15 days prior thereto.

(3) The applicant shall post a notice outlining the date, time, place, and nature of the hearing in a conspicuous location on the property. Such notice shall be designed in accordance with standards set forth by the planning commission.

(4) The applicant shall provide the planning office with a copy of the notice, verification of newspaper publication, a date-stamped photo of the

property posting, and post office mail receipts indicating date of mailing for all letters on or before the meeting date.

(5) Said notices shall state the date, time, and place of the hearings before the historic district commission, a brief description of the project and shall state that a copy of the application and plan is on file with the planning office for public review.

(6) If the planning commission is reviewing a project in accordance with other sections of this article, then the public hearing notice on those applications must also give notice of architectural review certification.

(D) Application information. The applicant shall provide such information and documents listed below which will satisfactorily illustrate the proposed action as indicated in the architectural preapplication meeting required in subsection 3.26(A):

(1) All plan elements required in subsection 2.5.

(2) Plans and specifications indicating existing and proposed development, including structures, architectural elevation drawings, trees and any other landscaping, existing and proposed, including the general design, location and orientation of structures in relation to curb line, right-of-way line and neighboring buildings, colors, and materials to be used on exterior surfaces, detailed plans for any signs, photographs of the existing site and neighboring buildings, and such other information as will enable the historic district commission or planning commission to determine conformity with the ordinance.

(E) City planner report. For each application to the planning commission the city planner shall issue a report to the planning commission including comments from other agencies detailing how the application conforms to the requirements of the zoning ordinance and other provision of city and state codes. This report shall not be deemed to represent a comprehensive list of all city and state code requirements. The city planner shall transmit copies of the proposed site development plan and the city planner's report at least seven days prior to the date of the meeting at which approval of the site development plan is to be requested.

(F) Historic district commission action. The historic district commission shall act to review and render a recommendation to approve any such application within 45 days of transmittal to the commission or within such additional time as may be consented to by the applicant. The recommendation of the historic district commission shall be forwarded to the planning commission and acted upon by the planning commission in conjunction with action on the associated site development plan. If a site development plan application is not filed in accordance with the provisions of subsection 2.4 of this article within one year

of recommendation, the recommendation shall expire. The historic district commission may grant a one-year extension of its recommendation upon written request by the applicant. Such request shall be made in writing to the planning office at least thirty days prior to the expiration of the historic district commission's recommendation.

(G) Substantial Amendments. Substantial amendments to an application or an architectural review certificate shall be acted upon in the same manner as the original plan.

(H) Expiration of architectural review certification issued by the historic district commission.

(1) Architectural review certification approval shall expire on the last day of the 12th month after the date of approval if construction of the work authorized or use permitted has not started or unless an extension of time is applied for by the applicant and granted by the historic district commission. Approval shall also expire if the construction of work authorized has stopped for a period of one year unless an extension of time is applied for and granted by the historic district commission.

(2) Request for extension of approval shall be made no later than 30 days prior to the final approval expiration date. Upon receipt of such request, the matter shall be considered at the next regularly scheduled meeting of the historic district commission.

(3) In considering a request for an extension of approval, the historic district commission shall consider, but not be limited to, the following:

(a) Whether the project has been delayed for reasons beyond the control of the applicant, excluding economic or financial reasons.

(b) Whether the applicant has made substantial progress toward obtaining final approvals.

(c) Whether there have been any significant changes in the surrounding neighborhood.

(d) Whether there has been any related amendments to the zoning map or text, or the comprehensive plan, or if any waivers or variances have been granted.

(4) Requests for extensions shall be submitted in writing to the planning office.

(5) Under no circumstances shall the historic district commission grant extensions beyond 24 months from the date of first approval.

3.3 Historic district amendments.

3.31 Historic district commission review required. Any motion or petition to amend, supplement, or repeal a historic district by the city council in accordance with section

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5, amendments, shall require a report by the historic district commission as set forth in article 3, subsection 21.4.

3.32 Review criteria for placing individual structures in a historic district. The historic district commission may recommend that an individual structure or property be placed in an existing contiguous historic district or be placed in a historic district specifically created for the property or structure upon considering the following criteria and factors:

(A) Significant value as part of the historical, cultural, artistic, social, ethnic or other heritage of the nation, state or community;
(B) Association with an important person or event in national, state, or local history.
(C) Representative of the distinguishing characteristics of an architectural type inherently valuable for the study of a period, style, craftsmanship, method of construction or use of indigenous material;
(D) Notable work of a master builder, designer, architect, or artist whose individual genius has influenced an era;
(E) The desire of the owner to have the property designated;
(F) Increased potential of economic or community development.

3.33 Review criteria for amendments or creation of new historic districts. The historic district commission may recommend amendments to an existing historic district, recommend repeal of an existing historic district or recommend the creation of a new historic district upon considering the following criteria:

(A) Any criteria listed in subsection 3.32.
(B) Distinctive character or homogeneity of architectural design or dates of construction throughout the area.
(C) Identifiable by clear and distinctive boundaries.
(D) Repetition of distinguishing architectural or land use characteristics throughout the area.

3.34 Public hearing required. For all proposed amendments to the boundary of the historic district, the historic district commission shall hold a public hearing subject to the following public notification procedures:

(A) The planning office shall advertise the public hearing in a newspaper of general circulation at least 15 days prior thereto.
(B) The planning office shall notify, by mail, all directly affected property owners and all property owners within 200 feet of the extreme limits of the properties proposed for addition to or removal from the district as their names appear on the municipal tax record at least 15 days prior thereto.

3.4 Demolition by neglect.

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3.41 Responsibility of property owners. Property owners of properties within the historic districts shall not allow their buildings to be demolished by neglect (see definitions, article 12) by failing to provide ordinary maintenance or repair.

3.42 Responsibility of the historic district commission. The historic district commission shall monitor the condition of historic properties and existing buildings in the historic district to determine if they are being demolished by neglect by failing to provide ordinary maintenance and repair (see definitions, article 12). In the event that the commission determines a demolition by neglect is occurring, it shall carry out the following:

(A) Determine and set forth steps required to remedy the situations or defects.
(B) Direct the city planner to inform the property owners of its findings, determination, and recommended remedies.
(C) In the event that the property owners fail to commence work within the reasonable time allotted by the commission, the commission may direct the building inspector to begin proceedings under chapter 22, buildings, and building regulations, article XI, dangerous buildings, of the Code of Ordinances for the City of Dover to bring about the repair or demolition of the building.

3.43 Responsibility of the city planner. The city planner shall notify the historic district commission of buildings within the historic district that have been referred to him by the building inspector that meet the definition of dangerous buildings under the provisions of chapter 22 buildings and building regulations, article XI dangerous buildings, of the Code of Ordinances for the City of Dover. In such cases the commission shall determine if the building is being demolished by neglect. Before referring a property to the commission for consideration as demolition by neglect, the city planner shall give written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building, as shown by the records of the recorder of deeds of the county, to appear before historic district commission at the time, date and location specified.

Section 4. Development information requirements.

4.1 In order to more effectively evaluate the probable impact of proposed development and thereby to carry out the purposes of this ordinance when making decisions and recommendations regarding development proposals, the planning commission, historic district commission, or city planner may adopt a standard set of information requirements, which may be updated from time to time as necessary.

4.2 The information requirements shall be administered by the city planner and shall be a part of submission requirements for all applications to the planning commission.

Section 5. Amendments.

This ordinance or any part thereof may be amended, supplemented or repealed, from time to time, by the city council on its own motion or upon application, as provided in chapter 3 of title 22, Municipalities of the Delaware Code Annotated (22 Del. C. § 301 et seq.). Every such proposed amendment shall be referred by the city council to the planning commission for a report before the public hearing. The city council shall not take action on any such amendment without a report from the planning commission unless the planning commission fails to render such a report within 75 days after its regularly scheduled meeting following such referral.

5.1 Types of amendments to the ordinance. The following are the types of amendments that may be made to the ordinance:

5.11 Zoning text amendments. Amendments to ordinance text may be made upon initiation of the city planner or under sponsorship of three members of city council.

5.12 Map amendment by application. A property owner may make application to the city for amendment of the zoning map as it relates to his property. Amendments to the zoning map may also be initiated by sponsorship of three members of city council and shall be considered under the procedures of subsection 5.3 as it relates to applications for map amendments.

5.13 Comprehensive zoning map amendment. Amendment to the zoning map as a result of a new, revised, or amended comprehensive plan, or other formal plan or study shall be considered as a comprehensive zoning map amendment and shall be initiated by the planning office.

5.2 Procedure for zoning text amendments in accordance with subsection 5.11.

5.21 Public hearing and notice. An amendment to the ordinance text shall be subject to public hearing before the planning commission and city council prior to adoption. Such hearing shall be advertised in a newspaper of general circulation at least fifteen (15) days prior to the planning commission hearing. Such notices shall state the date, time and place of the planning commission and city council hearings and a brief description of the proposed zoning text amendment, and specify that documents are available in the planning office for review.

5.22 City planner report. For each proposed zoning text amendment, the city planner shall issue a report to the planning commission and city council, including comments from other reviewing agencies, that evaluates the following factors:

A) Whether such change is consistent with the aims and principles embodied in the ordinance as to the particular zones concerned; and
B) Whether such proposed amendment is consistent with the aims of the comprehensive plan of the city.

5.23 Report of the planning commission. Regarding each proposed amendment to the ordinance text, the planning commission shall provide a report to the city council stating a recommended action with regards to the proposed amendment, along with the commission's evaluation of the following factors:

A) Whether such change is consistent with the aims and principles embodied in the ordinance as to the particular zones concerned; and
B) Whether such proposed amendment is consistent with the aims of the comprehensive plan of the city.

5.3 Application procedure for zoning map amendments in accordance with subsection 5.12.

5.31 Preapplication Meeting. Prior to the submission of a zoning map amendment application, the applicant or his representative shall meet in person with the city planner or his designee to discuss the rezoning request. The purpose of this meeting shall be to discuss proposed uses or developments and to review the process and submission requirements.

5.32 Application. Application for a zoning map amendment shall be submitted to the city planner, on forms approved by the planning commission, along with a fee as provided for in Appendix F--Fees and Fines, and copies of a site map as described below.

(A) Submission requirements accompanying applications for amendments to the zoning map. The applicant shall cause a site map to be prepared by a civil engineer, surveyor, land planner, or architect. The applicant shall submit copies of the site map to the city planner. The elements to be included on the site map are listed below:
(1) Scale and dimensions. The map shall be at least 8.5 by 11 inches and at a scale of ten, 20, 30 or 40 feet to the inch, except that if the property has a maximum dimension over 900 feet, a scale of 50 feet to the inch may be used.
(2) Legal data.
(a) Tax parcel identification number.
(b) Name and address of the owner of record.
(c) Name and address of the equitable owner, if any.
(d) Name and address of the person, firm or organization preparing the map.
(e) Date, north point and written and graphic scale.
(f) Sufficient description of information to precisely define the boundaries of the property and that portion of the property for which a rezoning is requested; and total acreage for which a rezoning is requested. All distances shall be in feet and hundredths of a foot. All angles shall be

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given to the nearest second or closer. The error of closure shall not exceed one in 10,000.

(g) The locations, names and existing widths of adjacent street rights-of-way and curblines.

(h) Location, width and purpose of all existing and proposed easements, reservations and areas dedicated to public use within or adjoining the property.

(i) Existing and proposed zoning.

(j) Any existing development on the property, including buildings, fences and landscape screening.

(k) Full and complete information requested by the city planner in accordance with the development information requirements set forth in section 4.

5.33 Setting of hearings and referral to planning commission. For any application to amend the zoning map, city council shall refer the proposed amendment to the planning commission and set dates for the public hearings to be held before the planning commission and city council.

5.34 Advertisement of public hearing. Following referral of a zoning map amendment application to planning commission by city council, the applicant shall advertise the public hearing as follows:

(A) The applicant shall notify by mail all property owners within a distance of 200 feet of the extreme limits of the subject property of the public hearing dates, times and locations.

(B) The applicant shall advertise the public hearings in a newspaper of general circulation at least fifteen (15) days prior to the planning commission hearing. Such notices shall state the date, time and place of the planning commission and city council hearings and a brief description of the proposed zoning map amendment, and specify that documents are available in the planning office for review.

(C) The applicant shall also post a notice outlining the date, time, place, and nature of the hearings in a conspicuous location on the property. Such notice shall be designed in accordance with standards set forth by the planning commission and city council.

(D) The applicant shall provide the planning office with a copy of the notice, verification of newspaper publication, a date-stamped photo of the property posting, and post office mail receipts indicating the date of mailing for all letters on or before the planning commission meeting date.

5.35 City planner report. For each application for a zoning map amendment, the city planner shall transmit a report to the planning commission and city council, including comments from other reviewing agencies that evaluate the following factors:

(A) Whether the uses permitted by the proposed change would be compatible with the existing uses and zones in the area concerned;

(B) Whether adequate public services and infrastructure exist or can be created or expanded to serve the needs of any additional demand as a result of such change; and

(C) Whether the proposed change is in accordance with the city's current comprehensive plan.

5.36 Report of the planning commission. Regarding each application for a zoning map amendment, the planning commission shall provide a report to the city council stating a recommended action with regards to the proposed amendment, along with the commission's evaluation of the following factors:

(A) Whether the uses permitted by the proposed change would be compatible with the existing uses and zones in the area concerned;

(B) Whether adequate public services and infrastructure exist or can be created or expanded to serve the needs of any additional demand as a result of such change; and

(C) Whether the proposed change is in accordance with the city's current comprehensive plan.

5.37 Amendment of zoning map. Following action by city council with regards to an application to amend the zoning map, the planning office shall update the zoning map to reflect the action of city council.

5.38 Notice of decision. The city clerk shall send the applicant a letter notifying the applicant of the city council's action regarding the application for a zoning map amendment.

5.4 Procedure for comprehensive zoning map amendment in accordance with subsection 5.13.

5.41 Public hearing and notice. A comprehensive zoning map amendment shall be subject to public hearing before the planning commission and city council prior to adoption. The planning office shall advertise the public hearings as follows:

(A) The planning office shall advertise the public hearing in two newspapers of general circulation at least fifteen (15) days prior to the planning commission hearing.

(B) The planning office shall notify all affected property owners by mail at least 15 days prior to the planning commission hearing, informing them of the proposed zoning map amendment as it relates to their property.

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(C) Such notices shall state the date, time and place of the planning commission and city council hearings and a brief description of the proposed zoning map amendment, and specify that documents are available in the planning office for review.

5.42 City planner report. For any comprehensive zoning map amendment, the city planner shall issue a report to the planning commission and city council, including comments from other reviewing agencies, that identifies:

A) The reasons for the comprehensive zoning map amendment;
B) All properties where a change in zone is proposed; and
C) How the proposed changes to the zoning map support the city's current comprehensive plan.

5.43 Report of the planning commission. Regarding each application for a comprehensive zoning map amendment, the planning commission shall provide a report to the city council stating a recommended action with regards to the proposed amendment, along with the commission's evaluation of the following factors:

(A) Whether the uses permitted by the proposed change would be compatible with the existing uses and zones in the area concerned;
(B) Whether adequate public services and infrastructure exist or can be created or expanded to serve the needs of any additional demand as a result of such change; and
(C) Whether the proposed change is in accordance with the city's current comprehensive plan.

5.44 Adoption of comprehensive zoning map amendment. Upon adoption of the comprehensive zoning map amendment by city council, the zoning of properties shall be as reflected in the adopted map.

5.45 Notice of decision. The city shall notify all affected property owners in writing with regards to any amendments to the zoning map that affect their properties.

5.5 Amendment protests. In the case of a protest against any amendment, such amendment shall not become effective, except in accordance with the provisions of section 305 of chapter 3 of title 22, Municipalities, of the Delaware Code Annotated (22 Del. C. § 305).

5.6 Zoning map amendment approvals. In all cases where the city council shall approve an amendment to the zoning map, the said council shall find that, for reasons fully set forth in the said findings, such amendment is in conformity with the comprehensive plan for the city.

5.61 Reconsideration, one-year limitation.

(A) Whenever an amendment has been denied by the city council, such amendment, or one substantially similar, shall not be reconsidered sooner than one year from the date of the prior denial, except as provided in subsection (B) hereof.

(B) Notwithstanding the provisions of subsection (A) hereof, the planning commission may request the council to reconsider an application within the one-year period from the denial of the same if the land use in the area has changed to such a degree that failure to do so would prevent proper planning and development of the area in question.

5.7 Closed zones. Where the city finds that new development in a certain zone would be inconsistent with the purposes of this ordinance, but that elimination of or substantial changes to the zone would create a hardship for many owners of existing buildings and land in that zone, the city may declare the zone closed. The city council shall not accept or approve amendments to the zoning map which would place land in a closed zone. Closed zones include:

(A) R-7;
(B) RG-4;
(C) RG-O, except in the downtown redevelopment target area as described in appendix C of the City of Dover Code of Ordinances.

BE IT FURTHER ORDAINED:

That Appendix F – Fees and Fines be amended by deleting the text shown in red bold strikethrough and replacing it with the text shown in blue bold italics as follows:

Appendix B—Zoning—Article 10—Planning Commission			
Sec. 1	Approval of conditional uses		
	Subsec. 1.52	Application procedure; Conditional use permit; each application	$325.00, plus $15.00 per acre of the area or multiple thereof involved in the application
Sec. 2	Site development plan approval		
Subsec. ~~**2.45**~~ ***2.42***	Fees		~~**Application for site development plan approval—$325.00**~~ Application for administrative site

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				plans—$125.00
Subsec. 2.43	***Fees….***			***Application for site development plan approval—$325.00***
Sec. 3	Historic district commission and architectural review			
	Subsec. ~~3.25~~ ***3.26***	Procedures for an architectural review by the historic district commission or planning commission		
		Subsec. (b)	Application and fee for an architectural review certificate	$250.00
Sec. 5	Amendments			
	Subsec. ~~5.12~~ ***5.32***	Fees		
			Each ~~petition~~ ***application*** for a rezoning amendment	Minimum fee of $325.00, in addition to required district supplemental fee
			Residential and single-family (R-7, R-8, R-10, R-15, and R-20); supplemental fee	$10.00 per acre
			Multifamily (RG-0, RG-1, RG-2, RG-3, RG-4, RG-5, RM-1, and RM-2), cluster and MHP; supplemental fee	$30.00 per acre
			Commercial and institutional (C-1, C-1A, C-2, C-2A, C-3, CPO, RC and IO); supplemental fee	$50.00 per acre
			Shopping center development (SC-1, SC-2 and SC-3); supplemental fee	$60.00 per acre
			Manufacturing and industrial development (M and IPM); supplemental fee	$60.00 per acre
			~~All applications for amendment to the zoning~~	~~$250.00~~

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			~~ordinance (appendix B) ….~~	

BE IT FURTHER ORDAINED:

That the amendments shall be affective upon adoption of this ordinance and that any unexpired conditional use permit, site development plan, or architectural review certificate approval shall be eligible for extension of approval by the approving body for a period of time not to exceed 36 months from the last day of the month during which initial approval was granted by that body.

SYNOPSIS

The proposed ordinance would amend the procedures for conditional use permits, site development plans, architectural review certificates and amendments to the zoning ordinance. Included in the proposed amendments are measures to clarify and streamline certain review processes and expand public notification requirements.

Actions History: 6/13/11 -Introduced in Legislative Finance & Administration Committee

6/27/11 – First Reading at City Council

7/18/11 – Public Hearing before Planning Commission

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LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held on July 25, 2011 at 6:00 p.m. with Chairman McGlumphy presiding. Members present were Mr. Anderson, Mr. Hare, Dr. Jones, and Mr. Shevock. Members of Council present were Mr. Hutchison (arrived at 6:04 p.m.) and Council President Leary. Mayor Carey was also present.

AGENDA ADDITIONS/DELETIONS

Mr. Shevock moved for approval of the agenda, seconded by Mr. Hare and unanimously carried.

Review and Recommendation - Filling of Critical Positions

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

Communications Dispatcher - Police Department

Police Chief James Hosfelt reviewed a request to recruit two (2) Communications Dispatchers for the Police Department 911 Center to fill vacancies that will be created by the resignation of two (2) employees. He explained that he intends for these positions to first be posted in-house, city-wide to determine if there are dispatchers currently employed in other departments who may be interested. He indicated that if there are no interested in-house candidates, he would then refer to the list of one (1) or possibly two (2) candidates from the last testing cycle. If neither of these options result in filling the positions, Chief Hosfelt stated that he would then request to advertise the positions through the paper and local media.

Mr. Hare questioned if the positions would be posted in-house for 30 days. Responding, Chief Hosfelt stated that he would follow Human Resources' guidelines.

Mr. Hare stated that he did not believe that there were established guidelines regarding the length of time required for in-house postings and suggested that 30 days would provide enough time.

In addition to the hiring justification outline provided, he noted that last year the dispatch center handled over 115,000 calls, 35,000 of which were 911 emergency calls. Chief Hosfelt stated that in the last two (2) pay cycles, 65 hours of overtime pay was expended to cover these two (2) positions.

Chief Hosfelt provided members with Payroll Information for Hiring Replacements ***(Attachment #1)*** and indicated that the top two (2) tables reflect the cost breakdown for dispatchers (noting that the other tables address other positions). He explained that the pension fund payout consists of employee contributions which do not affect the City's Budget.

Dr. McGlumphy relayed appreciation for the Payroll Information for Hiring Replacements and suggested that this be considered a model for any department submitting a request for filling critical positions.

Mr. Hare moved to recommend approval of the request to recruit two (2) Communications Dispatchers for the Police Department 911 Center by posting in-house for a minimum of 30 days prior to publicly advertising the positions, as recommended by staff. The motion was seconded by Mr. Shevock and unanimously carried.

Review of Grant Application - FY11 Edward Byrne Justice Assistance Grant Program

Police Chief James Hosfelt advised members that the Dover Police Department recently received its annual allocation from the Office of Justice Programs (OJP) for the 2011 Justice Assistance Grant (JAG). Similar to previous years, the Dover Police Department was identified as a disparate funding agency, along with the Smyrna Police Department and Kent County, because there is no law enforcement function at the county level, unlike New Castle County in northern Delaware. Chief Hosfelt explained that this disparate condition requires the submission of a joint grant application for the three (3) agencies. Since the Dover Police Department will be receiving the largest share of the grant, it will serve as the fiscal and administrative agent and all funds for the grant will be disbursed through City of Dover accounts; however, Smyrna Police Department expenses will still be controlled and approved by the City of Smyrna.

Chief Hosfelt reminded members that this is a recurring grant and there are no costs to the City associated with the grant. He reviewed the breakdown of funds and the items that the Dover Police Department plans to purchase with the funds, as follows:

Department	Amount
Dover Police Department	
– two (2) police cruisers with computer and lighting equipment	$60,051.00
Smyrna Police Department	
– police motorcycle and other equipment	11,969.00
GRAND TOTAL	$72,020.00

Chief Hosfelt explained that the Department planned to use the funds to replace two (2) vehicles that were currently being utilized by supervisors and had accumulated many miles. He noted that these vehicles were previously planned for replacement; however, proposed funding was eliminated from the budget.

Staff recommended approval of the grant project as requested.

Responding to Mr. Shevock, Chief Hosfelt reiterated that the City of Smyrna will be responsible for their purchases and the payments for those purchases.

Mr. Hare moved to recommend approval of the FY11 Edward Byrne Justice Assistance Grant Program, as recommended by staff. The motion was seconded by Dr. Jones and unanimously carried.

Review of Grant Application - FY10 Buffer Zone Protection Program Grant (DEMA)

Police Chief James Hosfelt reviewed a sub-grant award received from the Delaware Emergency Management Agency (DEMA) with funds provided by the Federal Emergency Management Agency (FEMA). He noted that all funds for the grant will be accounted for through the City's financial system (HTE) and administered by the Dover Police Department. He outlined the agencies, items, and amounts approved on this grant, as follows:

Agency	Purpose	Cost
City of Dover	Physical security enhancements	$ 20,000.00
Dover Downs	Physical security enhancements	137,500.00
Dover Police Department	License Plate Reader	32,500.00
TOTAL		$190,000.00

Staff recommended approval of the project and purchase as requested. Police Chief Hosfelt noted that there are no costs to the City associated with this grant.

Responding to Mr. Hare, Police Chief Hosfelt stated this grant will allow for the purchase of one (1) license plate reader. Responding to Mr. Shevock, Police Chief Hosfelt confirmed that information is obtained through the license plate reader instantaneously; therefore officers will have immediate access to information, such as whether a vehicle is stolen, etc.

In response to Dr. Jones, Police Chief Hosfelt explained that the physical security enhancements for Dover Downs include items such as jersey barrier walls, new fencing around propane tanks, etc. He stated that Dover Downs was approved for the grant and will make such purchases and the City of Dover will administer the grant.

Dr. Jones moved to recommend approval of the FY10 Buffer Zone Protection Program Grant (DEMA), as recommended by staff. The motion was seconded by Mr. Hare and unanimously carried.

Public Comment Period

There was no one present wishing to speak during the public comment period.

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

Meeting adjourned at 6:13 P.M.

Respectfully submitted,

William P. McGlumphy
Chairman

WPM/jg/js/ac/dd/tm
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Attachment
Attachment #1 - Payroll Information for Hiring Replacements

DOVER POLICE DEPARTMENT

Payroll Information for Hiring Replacements

DEPT 542	Position	Separation Date	FY12 Salary	FY12 Benefits	Total Pay	% Year Used	Salary Used	Pension Fund Payout *	General Fund Payout	FY12 Pay Used	Balance	Remarks
Civilian Personnel												
Whiteman, Harry	Dispatcher	7/20/11	48,826.57	13,393.43	62,220.00	5.2%	3,230.00	15,500.00	327.74	3,557.74	58,662.26	health care = employee
Holloway, Brad	Dispatcher	7/7/11	48,826.57	14,024.65	62,851.22	1.6%	1,030.35	15,000.00	4,073.34	5,103.69	57,747.53	health care = employee
Totals					**125,071.22**					**8,661.43**	**$116,409.79**	

* payout estimates obtained from HR (Kim Hawkins) - **DOES NOT AFFECT CITY FUNDS BUDGETED** & not included in calculations below

** esitmate based on # hours sold back

DEPT 542	Position	Hire Date	FY12 Salary	FY12 Benefits	Total Pay	% Year Needed	Total Pay Needed	Remarks
New Positions								
Replacment Hire	Dispatcher	9/1/11	33,136.56	11,933.93	45,070.49	82.8%	37,312.46	health care = employee
Replacment Hire	Dispatcher	9/1/11	33,136.56	20,836.73	53,973.29	82.8%	44,682.81	health care = family
Totals					**99,043.79**		**$81,995.27**	
Balance							**$34,414.53**	

DEPT 543	Position	Separation Date	FY12 Salary	FY12 Benefits	Total Pay	% Year Used	Salary Used	Retire/Sep Payout *	General Fund Payout **	FY12 Pay Used	Balance	Remarks
Law Enforcement Personnel												
Ranger, Danny	CPL	8/30/11	69,954.86	26,728.06	96,682.92	16.4%	15,849.66		26,304.00	42,153.66	54,529.26	
Boyce, Christopher	Ptlmn	7/15/11	49,912.23	34,721.21	84,633.44	3.8%	3,237.34		2,752.94	5,990.28	78,643.16	
Totals					**181,316.36**					**48,143.94**	**$133,172.42**	

* payout estimates obtained from HR (Kim Hawkins)

** esitmate based on # hours sold back

DEPT 543	Position	Hire Date	FY12 Salary	FY12 Benefits	Total Pay	% Year Needed	Total Pay Needed	Remarks
New Positions								
Replacment Hire	Ptlmn	9/1/11	47,053.71	29,277.25	76,330.96	82.8%	63,192.02	health care = family
Replacment Hire	Ptlmn	9/1/11	47,053.71	29,277.25	76,330.96	82.8%	63,192.02	health care = family
Totals					**152,661.92**		**$126,384.05**	
Balance							**$6,788.37**	

ATTACHMENT #1
LF&A Committee Meeting of 07/25/2011

Dover Police Department

Monthly Report
To
Mayor & City Council

"To Protect and Serve"

June 2011

DEPARTMENT OF POLICE

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

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

July 13, 2011

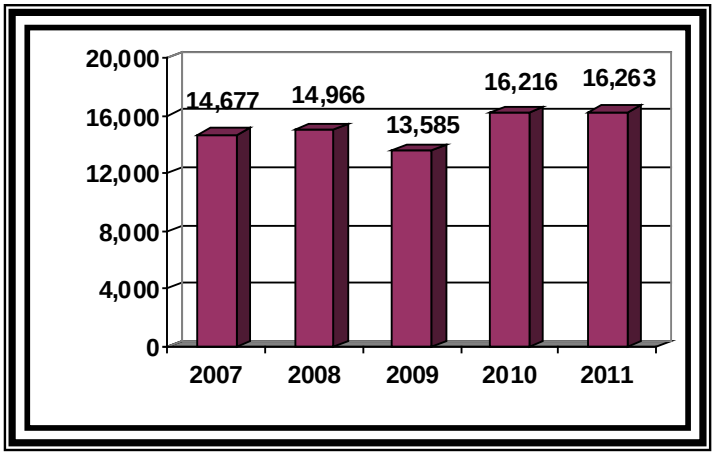
Honorable Carleton E. Carey, Sr., Mayor
Members of Dover City Council
City Hall
Dover, DE 19901

Mayor Carey and Council Members:

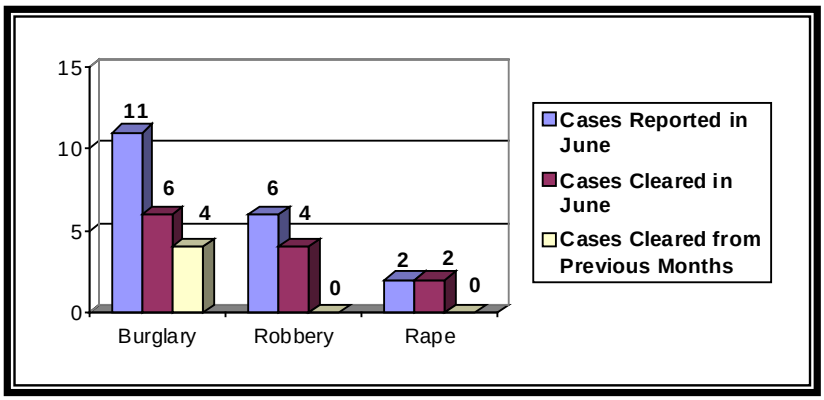
The following is the report on Police Department activities for the month of June 2011:

COMPLAINTS

Total complaints received through June 30th, numbered 16,263. This is an increase of 47 complaints over the same time period for last year.



CRIMINAL INVESTIGATIONS

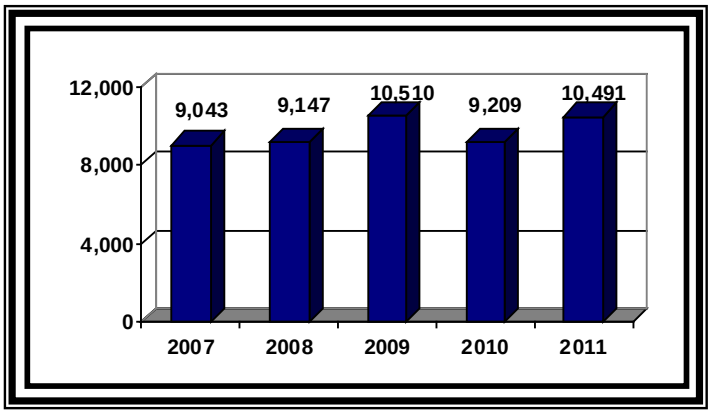


QUALITY OF LIFE TASK SECTION

ENFORCEMENT ACTION	ARRESTS
ABANDONED VEHICLES	0
ALCOHOL VIOLATIONS/DUI'S	7
ASSIST OTHER	3
WARRANTS ON FILE	0
BIKE ON SIDEWALK	0
CITY PARK VIOLATIONS	0
CRIMINAL ARRESTS	38
DRUG RELATED ARRESTS	25
LOUD MUSIC	5
MISCELLANEOUS VIOLATIONS	15
PARKING VIOLATIONS	18
PEDDLER	0
MEETINGS	51
PROSTITUTION	0
COLLECTION OF DELINQUENT DCO'S	0
WANTED CHECKS/CPC'S	6
TRAFFIC ARRESTS	116
WARNINGS	32
FUGITIVE	19
TOTAL ARRESTS	335

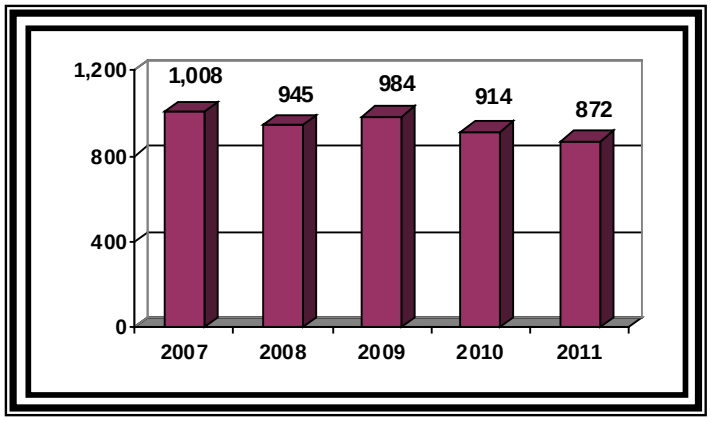
TRAFFIC ARRESTS

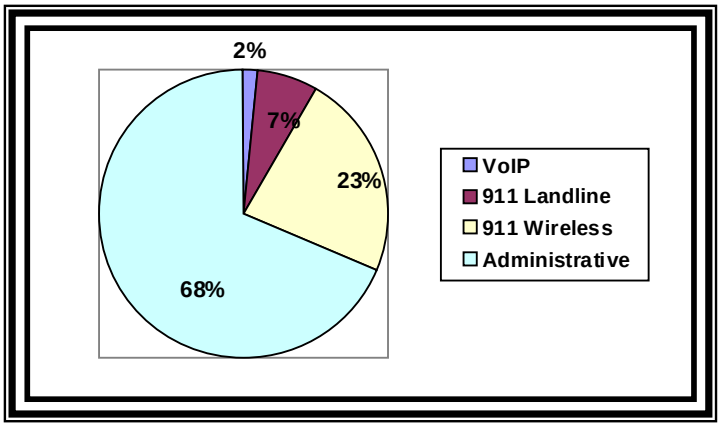
The department issued 10,491 traffic citations through this reporting period. This is an increase of 1,282 citations over the number issued during the same period last year.



TRAFFIC CRASHES

Through June 30th, Dover Police investigated 872 traffic crashes. This is a decrease of 42 accidents investigated during the same period last year.



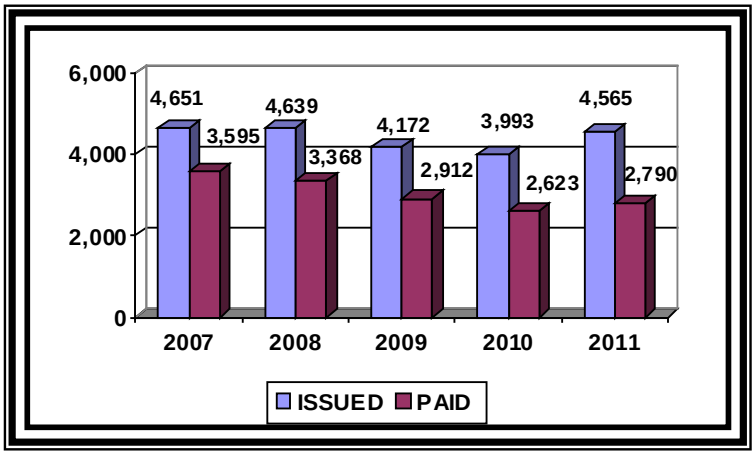


911 CENTER

During the month of June, our 911 Center handled a total of 9,928 calls averaging 331 calls per day. Dispatchers handled 2,297 calls on the 911 wireless lines, an average of 77 calls per day, 662 calls on the 911 landlines, an average of 23 calls per day, and 164 calls on the Voice Over Internet Protocol lines an average of 6 calls per day.

CITY ORDINANCE SUMMONS

Through June 30th, we issued 4,565 city ordinance summons, an increase of 572 summons over June of last year. *Note: of those summonses issued in June, 32 were issued for handicapped parking violations, 15 for fire lane parking violations, 74 for false alarms (49 for 3-5 alarms, 20 for 6-9 alarms, 4 for 10-15 alarms, and 1 for 16 or more alarms) and 23 for noise violations (22 for vehicle violations and 1 for residence violations).



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

- On June 2, 2011, Officers assigned to the Sex Offender Section obtained a warrant for a Tier 2 Sex Offender who registered his address with the State Bureau of Identification. The residence at which he claimed to reside is located on West Division Street. However, he has not resided at that location since May 24, 2011. The suspect has failed to re-register his new address with the State Bureau of Identification.

- On Monday, June 6, 2011, an unknown suspect entered a business located on North DuPont Highway by breaking the front door glass. Once inside suspect removed miscellaneous merchandise and fled undetected. The investigation is pending at this time.

- On Sunday, June 5, 2011, Dover Officers responded to the 200 block of North New Street, for a report of a woman screaming for help. Upon arrival police discovered that a domestic assault was occurring. Dover Officers forced their way into the residence. Once inside they located the victim and suspect, who were boyfriend and girlfriend, the victim, a 37 year old female had been severely cut with a knife. The male suspect, 31, was taken into custody in the residence. Investigation revealed that the victim was lying in bed when Defendant attacked her with a knife, slicing her throat severely. The victim then fled towards the front door and was again attacked by the Defendant who attempted to slash her throat again. The victim was able to use her hand to protect herself and as a result, received a severe hand laceration. The victim was transported to Kent General Hospital where she underwent surgery to repair her wounds. The suspect was arrested and charged with multiple offenses.

- On Sunday, June 5, 2011 and Monday, June 6, 2011, an unknown subject entered a local day care via unknown means. Once inside the business the subject removed various electronic equipment and toys. The subject then fled in an unknown direction.

- On June 6, 2011, an unknown suspect broke the walk-up window of a local restaurant to gain entry and once inside removed an undisclosed amount of money from inside. The suspect then fled in an unknown direction.

Major crimes and activities that occurred during the month of June continued:

- Dover Detectives are investigating an armed robbery that occurred on Tuesday, June 14, 2011 in the parking lot of a bank located on South Bradford Street. The male and female victim, both in their early twenties, were leaning against a car in the parking lot talking when they were approached by two black males wearing ski masks. Both male suspects were armed with handguns. One suspects threatened to shoot one of the victims. The other suspect removed the female victim's purse and both suspects fled northbound on foot. No injuries were reported. The suspects are described as black males in their late teens to early twenties, both wearing black t-shirts and jeans, and are between 5' 7" – 5' 10" tall.

- On June 21, 2011, Dover Officers arrested a suspect for an incident which occurred October 29, 2010. The suspect, who is from Wilmington, did point a firearm at his girlfriend after a domestic dispute in the presence of two children. He had armed himself with 3 firearms consisting of a sawed off shotgun and two handguns however apparently left the shotgun behind before fleeing the residence.

- On June 20, 2011, Dover Detectives arrested a wanted suspect who resides in Smyrna, after observing him in a vehicle at Water Street and South State Street. The detectives knew him to be wanted by our agency for Stalking and related charges stemming from incidents with an ex-girlfriend. The detectives performed a traffic stop on Bay Road. where he was apprehended without incident. He was also found to be wanted by several other agencies

- The Dover Officers, with assistance from Probation & Parole and the Department of Corrections, conducted a two day Fugitive Recovery Operation on June 21 and 22, 2011. The purpose was to locate and apprehend individuals who had active outstanding warrants. The operation resulted in the arrest of 43 individuals for a total of 102 charges including 36 Capias arrests of subjects wanted by the various courts throughout Delaware. The charges, which ranged in nature, included such offenses as Stalking, Assaults, Weapons Charges, Shoplifting, Aggravated Menacing, Endangering the Welfare of Children, Offensive Touching, and Traffic Violations.

- On Saturday June 25, 2011, an unknown suspect used landscape rocks to break the front window of a business located on North DuPont Highway to gain entry. Once inside the suspect removed miscellaneous electronic equipment. The suspect then fled in an unknown direction.

- On June 25, 2011, an unknown white male suspect described as 38-40 years of age with long brown hair entered a vehicle, which was left running at the gas pumps at the Sunoco, and attempted to drive off. The owner of the vehicle managed to confront the suspect however the suspect fled northbound onto the highway. The vehicle was recovered two hours later at the rear of a business located on North State Street.

- On June 25, 2011, an unknown suspect forced entry through a secured rear door to a residence located on Washington Street. Once inside, the suspect removed two laptop computers, an IPod Touch and a gold tie tack. Additionally the suspect removed an aqua blue K-Swiss backpack then fled in an unknown direction. Detectives are asking residents in area of Washington Street, Hazel Road, and North State Street, to report any suspicious persons or activity they may have observed over the weekend.

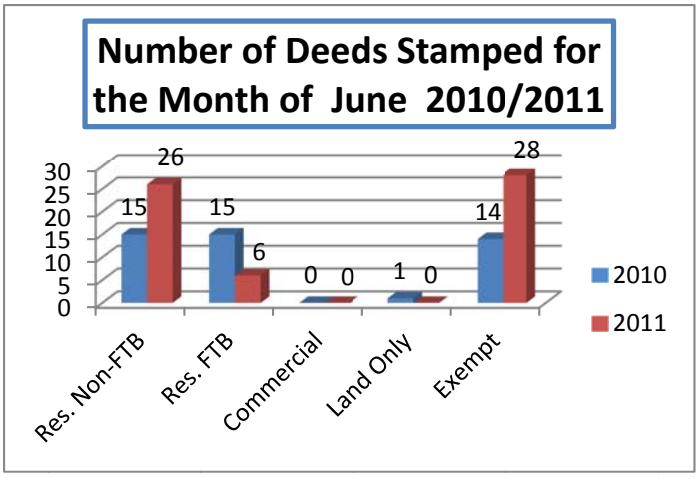
- On June 26, 2011, a victim was awakened to find a suspect in her upstairs bedroom attempting to exit from a window. The victim recognized the suspect as friend of her nephew who was at the residence the night before but had left. The suspect removed the victim's car keys prior to fleeing. A warrant is on file for the suspect, for Burglary 2nd and Theft.

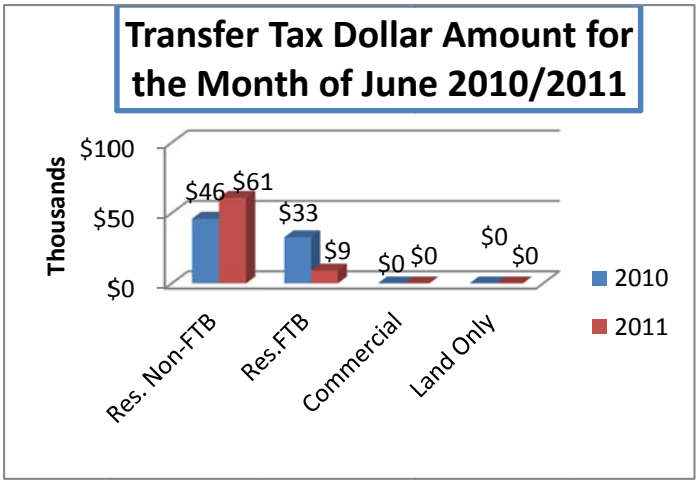
Respectfully Submitted,

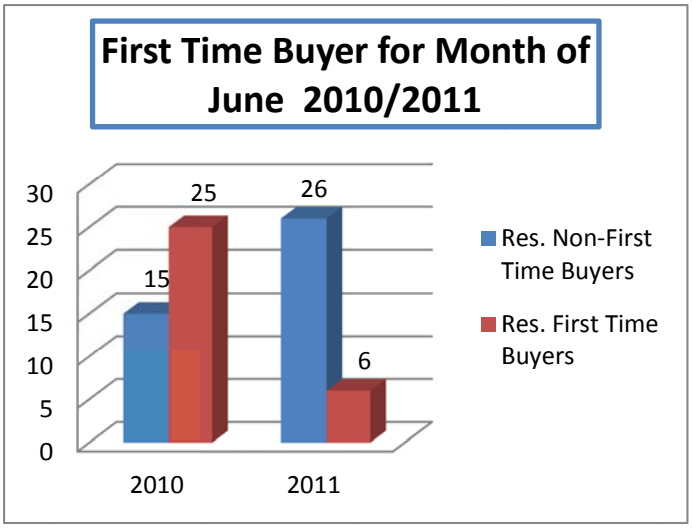
James E. Hosfelt, Jr.
Chief of Police

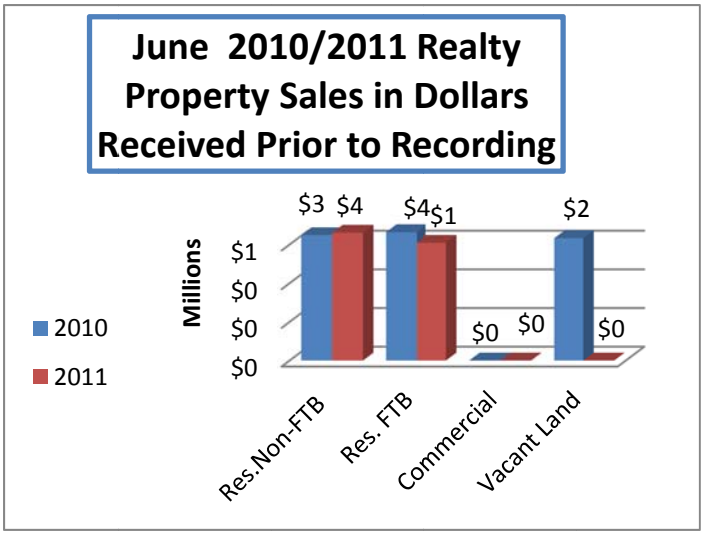
Monthly Report
June 2011

Office of City Assessor









Major Updates

	April - 11	May - 11	June - 11
Assessment Change	$3,298,300	$2,454,360	-$4,890,400

Residential Sales Ratio Report

Sales in Study	Total Assessed Value	Total Sale Price	Ratio	PRD
16	$2,404,800	$2,992,662	0.80	1.277

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

Points of Interest

Scanning & Filing

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

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

Assessor's Office

- **Appeals**
  -Conducted appeals (see attached spread sheet and minutes of the meetings)

- **Clerical Issues**
  -Added 77 Acres on Lafferty Lane to the Farmland Exemption

  -Added 179-181 Saulsbury Road to the Exempt Properties, had recently been purchased by Capital School District

City of Dover Sales Ratio Report for June 2011

PARID	Address	Total Assessed Value	Sales DT	Sales Price	ASR
ED05-076.05-03-62.00	93 STONEY DR	144,000	24-Jun-11	155,000	0.93
ED05-085.08-01-70.00	185 LYNNHAVEN DR	231,200	28-Jun-11	216,500	1.07
ED05-068.20-01-48.00	31 NICHOLAS DR	218,300	17-Jun-11	236,957	0.92
ED05-068.17-01-14.00	535 N AMERICAN AVE EXT	210,300	6-Mar-11	255,000	0.82
ED05-076.04-01-01.02	932 RUTH WAY	218,100	10-Jun-11	226,215	0.96
ED05-076.05-04-01-124	103 PAR HAVEN DR K13	67,800	13-Jun-11	61,000	1.11
ED05-076.03-06-13.00	3 BRITTINGHAM DR	231,000	9-Jun-11	230,000	1.00
ED05-085.06-01-28.00	351 CRICKLE CREEK LN	220,700	3-Jun-11	225,000	0.98
ED05-076.05-04-01.02	44 COURTSIDE DR B23	72,100	3-Jun-11	53,000	1.36
ED05-076.13-01-18.00	129 TRAFALGAR DR	163,700	8-Jun-11	160,000	1.02
ED05-067.09-02-21.00	299 TROOON RD	271,500	3-Jun-11	290,000	0.94
ED05-067.17-01-75.00	33 SCIOTO CT	192,400	10-Jun-11	175,000	1.10
ED05-076.03-01-86.00	274 E SHELDRAKE CIR	163,700	30-Jun-11	170,000	0.96
ED05-067.01-01-19.00	419 TOPAZ CIR	221,400	24-Jun-11	219,000	1.01
ED05-078.13-01-11.00	1026 HORSEPOND RD	168,100	29-Jun-11	155,000	1.08
ED05-076.04-06-28.00	414 S GREENBERRY LN	188,200	30-Jun-11	164,990	1.14

Appeals for Year 2011

Residential

Name	PIN #	Property Address#	Current Amount	Requ. Amount	Board Decision	Change
DUERR RYAN	ED05-077.17-02-09.00	921 Westview Ter	$188,100	$160,000	$183,400	$4,700
MAPLE DALE C.C.	MULTIPLE PARCELS	39 MAPLE DALE DR	$209,300		$22,300	$187,000
BEIRNES JAMES R & JILL	ED05-067.16-02-66.00	640 N GOVERNORS BLVD	$227,600		$227,600	$0
HALL VICTORIA L	ED05-067.19-01-21.00	18 HERITAGE DR	$123,200	88,500-99,500	$123,200	$0
MAYS EARL	ED05-076.20-04-06.00	970 SHANK RD	$217,100	$199,100	$217,100	$0
FARBER JOHN I	ED05-067.19-04-28.00	131 MATTERHORN DR	$245,600	$200,000	$245,600	$0
CASE JOAN R	ED05-077.06-01-84.00	235 BAYARD AVE	$162,200	$120,000	$158,800	$3,400
DISABATINO THOMAS	ED05-067.01-01-32.00	346 TOPAZ CIR	$257,700	$242,000	$257,700	$0
TOS LEO J	ED05-085.11-01-18.00	202 HAMAN DR	$176,600	$169,000	$176,600	$0
STOUGH RON & BARBARA	ED05-067.09-01-27.00	255 MERION RD	$219,800	$199,800	$219,800	$0
GARNER NANCY	LC05-058.17-04-33.00	135 GORDON PLACE	$91,500	$50,000	$91,500	$0
BISSONNETTE FAYE & RICHARD	ED05-085.12-03-33.00	363 POST BLVD	$149,900	$127,200	$144,400	$5,500
CARON RONALD & JUDITH	ED05-068.20-01-54.00	7 NICHOLAS DR	$211,100	$176,000	$200,000	$11,100
ESTATE O BETTY E WOOTTEN	ED05-085.08-01-77.00	138 LYNNHAVEN DR	$233,900	$183,900	$198,200	$35,700
BARONESS INVESTMENTS LLC	ED05-077.17-04-56.00	149 LOTUS ST	$156,000		$156,000	$0
JOAN REYNOLDS - EVERETT	ED05-077.09-05-59.00	50 ELM TER	$167,100		$153,300	$13,800
JOAN REYNOLDS - EVERETT	ED05-077.09-05-59.01	50 ELM TER (REAR)	$23,300		$5,300	$18,000
RAUBACHER CHRISTOPHER	ED05-077.06-01-36.00	534 GREENHILL RD	$174,100		$160,000	$14,100
FORTY S BRADFORD STREET LLC	ED05-077.05-03-70.00	40 S BRADFORD ST	$181,800		$155,000	$26,800
WALKER WOODS PROPERTIES LLC	Multiple Parcels	Harmony Ln	$4,234,900		$3,100,000	$1,134,900
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-45.00	36 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-44.00	40 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-43.00	44 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-42.00	48 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-41.00	52 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-40.00	56 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-39.00	60 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-38.00	64 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-37.00	68 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-36.00	72 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-35.00	76 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-34.00	80 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-33.00	84 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-32.00	88 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-31.00	92 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-30.00	96 HARMONY LN		$59,615		

WALKER WOODS PROPERTIES LLC	ED05-067.18-01-29.00	100 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-28.00	104 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-27.00	108 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-26.00	112 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-25.00	116 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-24.00	120 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-23.00	124 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-22.00	128 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-21.00	132 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-20.00	136 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-19.00	140 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-18.00	144 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-17.00	148 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-16.00	152 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-15.00	147 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-14.00	143 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-13.00	139 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-12.00	135 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-65.00	131 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-64.00	127 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-63.00	123 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-62.00	119 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-61.00	115 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-60.00	87 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-59.00	83 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-58.00	79 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-57.00	75 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-56.00	71 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-55.00	67 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-54.00	63 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-53.00	59 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-52.00	55 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-51.00	51 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-50.00	47 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-49.00	43 HARMONY LN		$59,615		
WALKER WOODS PROPERTIES LLC	ED05-067.18-01-48.00	39 HARMONY LN		$59,615		
Commercial						
Name	**PIN #**	**Property Address#**	**Amount**	**Requ. Amount**		
CALAN CORP.	ED05-077.18-02-58.00	151 ROOSEVELT AVE	$1,272,400	$800,000	$882,600	$389,800
NOLL SUZANNE	ED05-068.18-01-43.00	171 NORTH EDGEHILL AVE	$303,000	$55,700	$214,200	$88,800
RAYNOR WILLIAM C	ED05-077.14-01-19.03	640 S DUPONT HWY	$749,500		$712,000	$37,500

WILLIAM TORBERT	ED05-077.14-01-19.04	MINI WHSES S DUPONT HWY	$1,800,000	$1,100,000	$1,800,000	$0
HIRSH INDUSTRIES LLC	ED05-057.00-02-01.00	1525 MCKEE RD	$6,898,000	$5,000,000	$6,000,000	$898,000
MARK L LLOYD AND LISA A LLOYD	ED05-077.12-01-07.00	1240 S LITTLE CREEK RD	$168,900		$143,000	$25,900
MARK L LLOYD AND LISA A LLOYD	ED05-077.12-01-10.00	1246 S LITTLE CREEK RD	$165,200		$165,200	$0
BARONESS INVESTMENTS LLC	ED05-077.12-01-08.00	1236 S LITTLE CREEK RD	$86,000		$86,000	$0
BARONESS INVESTMENTS LLC	ED05-077.12-01-09.00	1256 S LITTLE CREEK RD	$136,900		$129,800	$7,100
BARONESS INVESTMENTS LLC	ED05-086.05-02-14.00	1301 S STATE ST	$359,000		$103,000	$256,000
MARK L LLOYD	ED05-086.05-02-15.00	1159 S DUPONT HWY	$766,000		$684,200	$81,800
MARK L LLOYD	ED05-086.05-02-15.01 - CELL TOWER	1169 S DUPONT HWY	$350,000		$106,700	$243,300
TOMBSTONE TERRITORIES	ED05-086.05-02-14.01	1169 S DUPONT HWY	$371,800		$201,200	$170,600
WALKER SQUARE UNIT 884B	ED05-067.19-02-02.11	884 WALKER SQUARE	$357,300		$357,300	$0
1151-1155 WALKER RD LLC	ED05-067.18-01-79.00	1151-1155 WALKER RD	$1,334,700		$1,334,700	$0
LAKSHYA LLC	ED05-076.12-02-46.00	111 S WEST STREET	$2,686,800	$1,500,000	$2,686,800	$0
FORTY S BRADFORD STREET LLC	ED05-077.09-02-04.00	123-127 W LOOCKERMAN ST	$679,900		$597,700	$82,200
FORTY S BRADFORD STREET LLC	ED05-077.09-02-37.00	27 W LOOCKERMAN ST	$307,700		$307,700	$0
RAUBACHER CHRISTOPHER	ED05-077.09-01-40.00	106 S GOVERNORS AVE	$134,000		$134,000	$0
HARMON RONALD & JANET	ED05-085.11-01-03.02	1429 NEW BURTON RD	$1,275,300	$690,000	$1,275,300	$0
VAUGHN SHERIE S	ED05-077.09-01-52.00	225 W LOOCKERMAN ST	$158,300	$95,000	$113,700	$44,600
VAUGHN SHERIE S	**ED05-077.09-01-53.00**	**217 W LOOCKERMAN ST**	**$560,000**	**$400,000**	**$905,200**	-$345,200
	ED05-077.09-01-54.00	**215 W LOOCKERMAN ST**	**$462,300**	**COMBINED W-53**	**$0**	$462,300
VAUGHN SHERIE S	ED05-077.09-01-45.00	141 S NEW ST	$64,600	$45,000	$45,000	$19,600
VAUGHN SHERIE S	ED05-077.09-01-51.00	231 W LOOCKERMAN ST	$187,800	$169,000	$164,400	$23,400
PRIORITY RADIO INC	999.01	CELL TOWER	$500,000		$0	$500,000
Exempt						
Name	**PIN #**	**Property Address#**	**Amount**	**Requ. Amount**		
FOGARTY ENTERPRISES	ED05-077.00-01-28.00	77 ACRES LAFFERTY LN	$1,835,600	$0	$0	$1,835,600
WITHDRAWAL	PIN #	Property Address#	AMOUNT	Requ. Amount		
MURRAY THOMAS & NANCY	ED05-077.18-01-35.00	309 LOTUS ST	$324,900		$324,900	$0
WILLIAM TORBERT	ED05-077.14-01-18.00	666 S DUPONT HWY	$0			$0
Stipulations	PIN#	PORPERTY ADDRESS#	AMOUNT	REQU. AMOUNT		
MCCULLEY CHESTER & SHIRLEY	ED05-085.12-02-10.01	Kesselring Ave	$37,900	700-1000	$2,000	$35,900
FRANCIS JEAN E	ED05-077.05-03-43.00	59 S GOVERNORS AVE	$208,600		$130,700	$77,900

		Total	$32,193,200		$25,803,100	$6,390,100

CITY COUNCIL'S
BOARD OF ASSESSMENT APPEALS

On June 01, 2011 a hearing was held on the appeal. Three members of the Board were present making a quorum of the Board, those being: William Garfinkel, Chairman of the Board, James Welsh, and Todd Stonesifer. Also present were Cheryl Russell, the City Assessor and Annette Hart, Administrative Assistant to the City of Dover Assessor's Office.

1. Appeals

A. BEIRNES JAMES & JILL

Location: 640 N Governors Ave. - ED05-067.16-02-66.00

Appealed Assessment: $227,600
Requested Assessment: N/A

Mr. & Mrs. Beirnes failed to show for the scheduled hearing. Chairman Garfinkel made the motion to deny the appeal based on failure by the appellants to show for the scheduled hearing, motion was seconded by Mr. Stonesifer. Motion carried unanimously, three to zero.

B. HALL, VICTORIA

Location: 18 Heritage Dr. - ED05-067.19-01-21.00

Appealed Assessment: $123,200
Requested Assessment: $88,500- $99,500 :

Present was the Applicant Ms. Hall.

Ms. Hall presented her case by explaining to the Board that she has lived in the house located at 18 Heritage Drive for 18 years. She told the Board that she refinanced the home in 2005 to lower the rate. No improvements have been made to the home other than the replacement of an already existing deck, due to the condition the deck was in. Ms. Hall told the Board that in 2008 her assessed value was $88,000, after that, in her opinion, the bottom fell out. Ms. Hall pointed out that in her opinion the Revaluation was done to generate revenue.

Ms. Russell explained that Revaluation purpose was not to make money; they are in fact revenue neutral. During a Revaluation year, the tax rate is actually set back to make the revaluation revenue neutral. It than is up to the City Council to set a tax-rate, which could lead to an increase in taxes.

Ms. Hall told the Board, that in her neighborhood homes have been selling for $60,000 in 2010. She told the Board, that her house is in need of several improvements, such as window replacement, floor covering, kitchen update and more. She explained that she had been out of work for 2 years and that during that time her mortgage went up by $45. In her opinion, her neighbors are not keeping up their

property, which brings the value of her home down. She told the board that she does keep her property up, which in her opinion helped raise her value. Ms. Hall brought her mortgage statements and went over them with the board.

Chairman Garfinkel asked Ms. Hall if her requested assessment was somewhere in the range of $88,500? At which time Ms. Hall agreed, she mentioned that her current value is $123,200.

Ms. Hall testified to the board that she had contacted a Realtor to help her to find comparable sales for Ms. Hall, she said that homes which are even bigger and refurbished, are still assessed for less than her home, she went on to explain that some of those units are even end units, which are still selling for less. She is not sure how much they are assessed for. Ms. Hall told the board that she does have a finished basement.

Ms. Russell pointed out 4 comparable sales that happened during the year 2008. The sale prices range from $125,000 to $136,900. She also pointed out the sales used during the Revaluation were based on the years 2007-2009.

Ms. Hall asked when the last assessment was, she was told that the City has to reassess every 1 to 3 years.

Ms. Russell pointed out that the City may be reassessed every 3-5 years, which is at the City Councils digression.

Ms. Russell gave an example about a current sale for 8 Heritage Drive, which sold for $118,000.

Ms. Hall asked about the condition of that home and was told that the condition of the home was listed as “average” and the grade was C-.

Ms. Russell told the board that this sale was only used as an example for this hearing but not for the valuation.

Chairman Garfinkel asked the appellant as well as the City Assessor, if there is anything else either party would like to add, at which time both appellant and the City Assessor, told the Board that they had nothing further to add.

The Board voted to close the hearing and advised the appellant about the scheduled deliberation starting at 3:00 P.M. that day.

At approximately 3:00 P.M. on June 03, 2011 the Board opened up deliberations, at which time Mr. Stonesifer suggested that he did not feel that the data presented by Ms. Hall was sufficient enough to rebut the presumption of the accuracy of the Assessor’s proposed value and that the Assessor’s consistency report showed, that the assessment for the appealed property is fair and in line with homes in that neighborhood.

Mr. Stonesifer made the motion, which was seconded by Mr. Welsh, to affirm the City’s assessed value. The motion carried unanimously, three to zero.

C. MAYS EARL & PATSY

Location: 970 Shank Rd. - ED05-076.20-04-06.00

Appealed Assessment: $217,100
Requested Assessment: $199,100

Present was the Applicant Mr. Mays.

Mr. Mays presented his case by explaining to the Board that his assessment has gone up every time the City has gone through a revaluation, but not as much as it did during the revaluation of 2010. He feels that with the other entire fee increases in the City, an increase of 10% is too much. He told the board that his wife and he live on Social Security and some savings. Mr. Mays explained to the board that homes in his neighborhood are not selling.

His concern is that, due to the fact that his neighbors do not keep their properties up as much as he does, his property is assessed higher than the others properties.

Mr. Mays points to an article he read in the paper in which it states that per Cynthia Witt dated April 24, 2011, that home sales in the Dover area have gone down since 2007, from $216,421 to $154,188.

Mr. Mays explained to the board that his house is in need of minor repairs and asked the board to consider lowering the assessed value to $199,100.

Ms. Russell explained that the City assessment is based on sales from the years 2007-2009. She pointed to comparable sales in that neighborhood and also indicated that the appellant's property is the largest in his neighborhood.

Mr. Mays pointed out again, that he feels that he is penalized for keeping a nice yard and believes that a 30% increase in taxes is too much at one time.

Ms. Russell explained to the appellant that the Board does not look at taxes but at the assessed values only. She mentioned again that the sales used were sales which occurred in the years 2007-2009 and that during the 2005 revaluation sales used, were from 2002-2004.

Mr. Mays wanted the board to know that houses for sale in his neighborhood have been reduced or even rented because they have not sold.

Chairman Garfinkel asked Mr. Mays if he is receiving the Senior Citizen Reduction the City offers and how much that would save on his yearly taxes.

Ms. Russell explained to the Board that she does not look at what the homes where assessed at before the Revaluation, the values are based on sales using 2007-2009.

Ms. Russell testified that Mr. Mays did meet with Tyler Technologies at which time the value was reduced to $217,100.

Chairman Garfinkel asked the Assessor if Mr. Mays was enrolled into the City's Senior Citizen Program at which time Mr. Mays acknowledged that he is enrolled. Ms. Russell pointed out that qualified citizen receive a $50,000 reduction of their taxable value.

Chairman Garfinkel asked the appellant as well as the City Assessor, if there is anything else either party would like to add, at which time both appellant and the City Assessor, told the Board that they had nothing further to add.

The Board voted to close the hearing and advised the appellant about the scheduled deliberation starting at 3:00 P.M. that day.

At approximately 3:00 P.M. on June 03, 2011 the Board opened up deliberations, at which time Mr. Stonesifer suggested that he did not feel that the data presented by Mr. Mays was sufficient enough to rebut the presumption of the accuracy of the Assessor's proposed value, he even suggested that the value is on the lower end per square footage.

Mr. Stonesifer made the motion, which was seconded by Chairman Garfinkel, to affirm the City's assessed value. The motion carried unanimously, three to zero.

D. FARBER JOHN I

Location: 131 Matterhorn Dr. - ED05-067.19-04-28.00

Appealed Assessment: $245,600
Requested Assessment: $200,000

Present was the Applicant Mr. Farber.

Mr. Farber testified that he purchased the appealed property in February of 2010 for $200,000. He feels that the assessed value should be based on the purchase price at which time he pointed at his HUD-1 Settlement sheet.

Ms. Russell explained that the City assessment is based on sales from the years 2007-2009 and therefore his purchase price would not be taken into consideration. She also pointed out that the records show that this house was purchase based on a mortgage foreclosure, which was true, according to Mr. Farber.

Ms. Russell pointed to a sale which occurred in 2006 at which time the home sold for $309,900, which was the original purchase of the property. She also told the board that a sale such as a foreclosure is not considered a “valid sale” and would therefore not be used in any study.

Mr. Stonesifer asked Mr. Farber if an appraisal had been done prior to the purchase.

Mr. Farber explained that the appraisal, which was done by the bank, was done as a drive by and did not take the homes condition into account. Mr. Farber told the board that the home did have a flooding problem, which needed to be fixed. The appraisal did come in with a value of $210,000. A copy of the appraisal was submitted as evidence.

Chairman Garfinkel asked the appellant as well as the City Assessor, if there is anything else either party would like to add, at which time both appellant and the City Assessor, told the Board that they had nothing further to add.

The Board voted to close the hearing and advised the appellant about the scheduled deliberation starting at 3:00 P.M. that day.

At approximately 3:00 P.M. on June 03, 2011 the Board opened up deliberations, at which time Mr. Stonesifer noted again, that the home was purchase at an auction.

Mr. Welsh reminded the board that the property across the street had sold for $245,000.

Mr. Stonesifer explained that each property located on Matterhorn Dr. is different from the others; they all have different builders and different square footage.

Mr. Welsh made the motion, which was seconded by Mr. Stonesifer, to affirm the City’s assessed value. The motion carried unanimously, three to zero.

E. CASE JOAN R

Location: 235 Bayard Ave - ED05-077.06-01-84.00

Appealed Assessment: $162,200
Requested Assessment: $120,000

Mrs. Case failed to show for her scheduled hearing.

Ms. Russell asked the board if she could speak, she explained to the board that Mrs. Case contacted the office the day before the appeal and that during the phone conversation she mentioned that she noticed on her property record card, that the garage was listed as built in 1990 when in fact it was built in 1950. Based on this information the Residential Technician went out to the property to verify. Changes were made in the ias system to correct the error, which brought the value down to $158,800.

Chairman Garfinkel made the motion, which was seconded by Mr. Stonesifer, to affirm the City's re-assessed value of $158,800. The motion carried unanimously, three to zero.

F. TOS LEO & MARGARET

Location: 202 Haman Dr. - ED05-085.11-01-18.00

Appealed Assessment: $176,600
Requested Assessment $169,000 :

Present was the Applicant Mr.Tos.

Mr. Tos testified that he spoke to Councilman Ruane and told him about his discrepancies in value which he has in his development. Councilman Ruane advised him to appeal to the Board of Assessment Appeals. Mr. Tos also informed the Board, that he meet with Tyler Technologies in 2010 and was told that the home sales used during the Revaluation were from 2006-2008. He told the board that in his neighborhood home values range from $148,000 to $186,000, which is approximately a difference of $38,000. He believes that if the valuation by Tyler Technologies was correct, there should not be such a big difference in value.
Mr. Tos pointed at a newspaper ad he brought with him, from November to January of 1999 a typical home which would have sold for $204,000 was decreased by 10% in 2007. In 2009 it would have decreased to $173,000. Mr. Tos gave an example in which his home would have been assessed at $154,000 and increased to $176,000. . He refers to the comparable sales listed on his property record card and told the Board that a home close to his house went for $148,000 the next home went up to $150,000 another one to $155,000, these would all be basically the same home. Looking at the property record card, he pointed at the comparable sales summary. In his opinion, the home that is close to his location sold for $175,000.

Ms. Russell explained to Mr. Tos that sales from 2007-2009 were used in the study and that values may vary depending on additions, land values and more. She pointed out that Mr. Tos property is one of the largest in the neighborhood. Ms. Russell asked if Mr. Tos found any discrepancy's on his property card, which he did not.

Mr. Tos pointed out the difference in land value between the City and the County.

Ms. Russell explained that the county uses values from 1987 and that was only 60% of market value.

Chairman Garfinkel asked the appellant as well as the City Assessor, if there is anything else either party would like to add, at which time both appellant and the City Assessor, told the Board that they had nothing further to add.

The Board voted to close the hearing and advised the appellant about the scheduled deliberation starting at 3:00 P.M. that day.

At approximately 3:00 P.M. on June 03, 2011 the Board opened up deliberations, at which time Mr. Welsh pointed out that the property has an addition in the back of the house.

Mr. Stonesifer pointed out that according to the consistency report the value of the home is right where it should be.

Mr. Stonesifer made the motion, which was seconded by Chairman Garfinkel, to affirm the City's assessed value. The motion carried unanimously, three to zero.

G. STOUGH RONALD & BARBARA

Location: 255 Merion Rd. - ED05-067.09-01-27.00

Appealed Assessment: $219,800
Requested Assessment: $199,800

Present were the Applicants Mr. and Mrs. Stough.

Mr. & Mrs. Stough were present at the hearing and opened by telling the Board members that the assessment of their home was a little high. They pointed out that out of 12 homes in the neighborhood; their home is listed at the second highest. Mr. Stough testified that the average assessment is $197,000 which is well below his assessment of $219,000. Mrs. Stough told the board that the assessment has gone up $30,000 in the last two years. Mr. & Mrs. Stough pointed out that the comparable homes used, were in the general area but not resemble the style of their home, neither did they have the same square footage. They pointed out that one of the comps listed is located on the edge of a golf course and should, in their opinion, not have been used as a comparable. Mr. & Mrs. Stough went on to go over the comparable sales in their neighborhood and did not think the homes listed should have been used to determine the assessment of their home.

Ms. Russell went over the comparable sales sheet pointed out that comparable and explained that their home is grouped with like neighborhoods, which is generated by a computer.

Mr. Stough pointed out a property on 240 Marion Way which had sold a couple years ago and wanted to know how much it sold for.

Ms. Russell informed him that the home sold in 2007 for $235,000

Mr. and Mrs. Stough pointed out a home which sold on Liberty Court, which was close in size is assessed at $198,000 and sold for $ 194,000 but was smaller in size.

Ms. Russell pointed out that the home is smaller in square footage than the appealed home.

Mr. Stonesifer asked the couple if they have looked at the square footage listed on the property record card to see if it is correct. Both confirmed that the information on the property record card was correct.

Mr. and Mrs. Stough told the board that they added a bathroom, closet and laundry room to the house.

Mr. Stonesifer pointed out that an addition like this will add square footage as well as value to the home.

Chairman Garfinkel asked the appellant as well as the City Assessor, if there is anything else either party would like to add, at which time both appellant and the City Assessor, told the Board that they had nothing further to add.

The Board voted to close the hearing and advised the appellant about the scheduled deliberation starting at 3:00 P.M. that day.

At approximately 3:00 P.M. on June 03, 2011 the Board opened up deliberations, at which time Mr. Welsh pointed out that the owner added an addition to the back of the home.

Chairman Garfinkel explained that he did not hear any compelling evidence that would warrant a change in value.

Mr. Stonesifer pointed out that according to the consistency report the value of the home is at the lower end. He explained to the board that the home is larger than the others.

A motion was then made by Chairman Garfinkel and seconded by Mr. Welsh, to affirm the City's assessed value. The motion carried unanimously, three to zero.

H. GARNER NANCY

:

Location: 135 Gordon Pl. - LC05-058.17-04-33.00

Appealed Assessment: $90,000
Requested Assessment: $50,000

Present was the Applicant Ms. Garner.

Ms. Garner started by telling the Board that in her opinion, her home would not sell for the assessed value of $90,000. She explained to the board that she had asked a realtor to research homes for sale in her neighborhood. The realtor was able to provide Ms. Garner with a recent listing with the highest and lowest sales in the area. Ms. Gardner told the board that the home next to her sold for $50,000 approximately six years ago.

Ms. Russell pointed at the comparable properties used in the study which were all located in Ms. Garner's neighborhood and have the same square footage as Ms. Garners home. The sales prices range from $105,000 to $118,000. Ms. Russell pointed out that the sales used in the study are from the years 2007-2009.

Ms. Garner testified that the sales used by her Realtor are recent sales.

Chairman Garfinkel asked if Ms. Garner would be willing to submit the listing as evidence, which she did.

Ms. Russell submitted information from the 2010 informal appeal Ms. Garner had with Tyler Technologies, which included sales information from the Realtor as well.

Mr. Stonesifer asked what the outcome of the informal appeal was.

Ms. Russell testified that the assessed value had been dropped from $91,000 to $90,000 during the informal appeal.

Chairman Garfinkel asked the appellant as well as the City Assessor, if there is anything else either party would like to add, at which time both appellant and the City Assessor, told the Board that they had nothing further to add.

The Board voted to close the hearing and advised the appellant about the scheduled deliberation starting at 3:00 P.M. that day.

At approximately 3:00 P.M. on June 03, 2011 the Board opened up deliberations, at which time Mr. Stonesifer asked to review the information from the informal appeal submitted by the Assessor. He raised his concern about the 2011 sales information provided by Ms. Garner that a value in the $85,000 range would be fair, but did remind the board that they have to look

at the values from 2007-2009. Mr. Stonesifer than came to the conclusion, that based on the 2007-2009 values, the appellants home value was fair. Mr. Stonesifer and Chairman Garfinkel did agree by looking at the recent sales information provided, that the values are tracking downward.

A motion was then made by Mr. Stonesifer and seconded by Mr. Welsh to affirm the City's assessed value. The motion carried unanimously, three to zero.

I. BISSONNETTE FAYE & RICHARD

Location: 363 Post Blvd. - ED05-074.12-03-33.00

Appealed Assessment: $149,900
Requested Assessment: $127,200 (less)

Present were the Applicants Mr. and Mrs. Bissonnette.

Mr. & Mrs. Bissonnette testified that the home they own is assessed too high; they explained that they have not made any improvements since the last reassessment. They expressed concern about the surrounding area; they say the neighborhood has gone down because of section 8 housing. The appellants told the Board that homes in the area are not selling; they mention a home that went up for Sheriff Sale and took over a year to sell. They mentioned a home in Mayfair, which is currently for sale for $120,500. Mr. and Mrs. Bissonnette pointed out a home in the Mayfair division which was assessed at $180,000 before the 2010 Revaluation and went down to $154,000 after the Revaluation, even after improvements had been made. The couple was wondering why their home went up by $22,700, when nothing has changed.

Ms. Russell explained that a lot of homes in Mayfair were split-level homes and that these homes were valued differently during the 2005 Revaluation. During the 2010 Revaluation the way these homes were assessed was changed to make them equal to other homes. She also explained that the homes are assessed at current market sales and that if ranch homes sell more frequently than bi-level homes, the market would reflect such a trend. Ms. Russell also went on to point out that sales used during the revaluation were from the years 2007-2009.

Ms. Russell went on to go over the Comparable Sales Analysis Sheet and pointed out a sale from 2008, where a home on 374 Fiddlers Green was sold for $220,000 as well as other homes which sold in the range of $185,000 and up.

Mr. and Mrs. Bissonnette told the Board that the neighborhood has taken a turn for the worse; they mention the apartments at Rodney Village and the crime rate, which has been going up.

Chairman Garfinkel asked what they think their assessment should be.

Mr. & Mrs. Bissonnette explain to the Board that no improvements have been made to the home since the last Revaluation and that the value of the home should not have gone up $20,000.

Chairman Garfinkel asked the appellant as well as the City Assessor, if there is anything else either party would like to add, at which time both appellant and the City Assessor, told the Board that they had nothing further to add.

The Board voted to close the hearing and advised the appellant about the scheduled deliberation starting at 3:00 P.M. that day.

At approximately 3:00 P.M. on June 03, 2011 the Board opened up deliberations, at which time Chairman Garfinkel expressed his concern about the testimony given and raised the question about the impact of the apartments on the home's value.

Ms. Russell told the board that no adjustments for the deteriorating neighborhood have been made.

Mr. Stonesifer explained that in his opinion the land value should be changed due to the state the neighborhood is in.

Chairman Garfinkel expressed his concern about the close location of the property to the apartments and believes that in his opinion the value should be changed.

Mr. Stonesifer suggested a 10% decrease of the land value which would bring the land value to $49,700 and the total assessed value to $144,400.

Chairman Garfinkel wanted to let the record know, that this situation is unique due to the apartments located directly behind the appellants property.

A motion was then made by Mr. Stonesifer and seconded by Mr. Welsh to decrease the land value by 10%. The motion carried unanimously, three to zero.

J. CARON RONALD & JUDITH

Location: 7 Nicholas Dr. - ED05-068.20-01-54.00

Appealed Assessment: $211,100
Requested Assessment: $176,000

Present was the Applicant Mr. Caron.

Mr. Caron did not realize what his assessed value was until he received his tax bill last year. In his opinion the assessed value is too high and read from a newspaper article he brought with him in which it stated that home values have been going down. He was wondering why his home is assessed so much higher than his purchase price. Mr. Caron explained that he purchased the home with builder's incentives where all accessories were reduced by 50%.

Mr. Caron testified that due to the poor economy the builder was giving a lot of incentives to sell the home. In his opinion, rental homes in his neighborhood are bringing the values down. He complained about the close proximity to the highway and the noise of the air planes that fly over his neighborhood. Mr. Caron also believes that the land value for his small lot is too high.

Ms. Russell pointed out the within the neighborhood of Lexington Glen two ranch style homes exist. One sold in 2010 for approximately $204,000 which was somewhat smaller, but pointed out that these sales were not used during the Revaluation. She also mentioned a 2008 sale in Stony Creek which sold for $208,000. The other within Lexington Glen homes are considered duplexes, although they are only attached by a small open porch.

Mr. Caron told the board that a home across the street from his is currently on the market for $157,000 as a foreclosed home.

Ms. Russell pointed out that Mr. Caron did receive a supplemental bill in April and that the board's decision will affect the supplemental as well as the July billing.

Chairman Garfinkel asked the appellant as well as the City Assessor, if there is anything else either party would like to add, at which time both appellant and the City Assessor, told the Board that they had nothing further to add.

The Board voted to close the hearing and advised the appellant about the scheduled deliberation starting at 3:00 P.M. that day.

At approximately 3:00 P.M. on June 03, 2011 the Board opened up deliberations, at which time Mr. Stonesifer pointed out that most of the comparable sales used in this study were from 2007, clearly being the furthest away from 2010. He pointed to #4 on the comparable analysis report, which was valued at $174,600. Mr. Stonesifer believed that the appealed home was valued too high He did not understand why #4 on the analysis report was valued at $174,600 and the appealed value was valued at $211,100.

Chairman Garfinkel asked Mr. Stonesifer, in what value range the home should be.

Mr. Stonesifer believes that a value between $190,000 and $200,000 would be fair due to the leveling trend of market values from the years 2009 to 2010 which would be justification for a value of $200,000.

A motion was then made by Mr. Stonesifer and seconded by Mr. Welsh, to amend the current value of $211,100 to $200,000. Motion carried unanimously, three to zero.

K. WALKER WOODS, LLC

Location: Multiple parcels – Harmony Lane

Appealed Total Assessment: $4,234,900
Requested Total Assessment: $3,100,000

Present was the Applicant Mrs. Ordway her attorneys Mr. Mandalas and Mr. Hoffman.

Mr. Hoffman started by thanking Ms. Russell for her accessibility and professionalism throughout this process.

Mr. Hoffman went on to give a brief overview of the property and its history. He explained to the board that the property consisted of a 52 unit rental community; these homes are not owner occupied. Walker Woods LLC purchased the community in 2008 for approximately $3,065,000 which calculates to approximately $59,000 per unit.
The community was constructed in 1990 and has been a rental community since that time. Mr. Hoffman assured the board that his client intends to keep the community as a rental community; therefore the monthly rental rate is relevant to this appeal. He testified that similar properties in the city receive $850 rent per month; his client has struggled to get $795 per month. Mr. Hoffman stated that given the age of these units, they are in need of improvements, but due to the reduced rental rate there is not enough capital to make these necessary improvements. Due to the fact of the low rental income and the recent fall in the real estate market, Mrs. Ordway questioned the valuation by Tyler Technologies which was for approximately 5.9 Million dollars. The City Assessor was able to adjust the value to 4.2 Million dollars. Mr. Hoffman explained that even with that adjustment the property value was still at a 38% increase from what the property had been purchased for in 2008. He told the board that Mrs. Ordway did have an appraisal done last summer, which came in at a value of 3.1 Million dollars, which valued the property as a whole. Mr. Hoffman and his client believe that this value is closer to the actual market value of the property and that the assessment should be based on that number. Mr. Hoffman pointed out that during the December 2010 hearing the board had raised two concerns, one being that the properties should be valued as separate units and the other, that improvements should be made to the units to increase the marketability of the property. His responds to these two issues was, that even though each parcel has its own parcel number, it is marketed as a rental community. As for the capital improvements, he read from the city charter which states that the assessment should be based on the current market value. Mr. Hoffman went on to point to a letter written by Mrs. Ordway, which had been submitted, in which is explained that the 19 units in front of the appealed units are in a tax credit program property, which in her opinion effects the way Walker Woods is valued. He also addressed the idea of target rental rate of $850 versus the actual $795. Mr. Hoffman explained to the board that that the Delaware Housing Authority would impose a penalty if Walker Woods were to sell the units individually. Another piece of evidence submitted was an offer from a potential buyer for 2.8 Million dollars for the community as a whole.
Mr. Hoffman pointed out that Ms. Russell presented 4 options to the board; the first one would be to leave the value by Tyler Technologies. Option two would be to compare the units to the 19

properties mentioned earlier which would generate a property value of $51,600 per unit, option three and four are based on the rental value per units. Option three is based on $795, the actual rental income per unit, whereas option 4 would be based on the target rental value of $850. Mr. Hoffman also wanted to state for the record, that there has been correspondence with regards to Tyler Technologies issues. In his opinion option one should not be considered. Mr. Hoffman testified that option three represents the current market value and should therefore be considered instead of option four, which represents the target rent, but would not be an actual retainable number. In Mr. Hoffman's opinions the best way to value the property would be what a buyer would purchase the property for, which would account for the property the way it exists today, it would also include the offer for 2.8 Million dollars. Taken all of this into consideration, he explained that the 3.1 Million values would be closest to the actual current market value.

Chairman Garfinkel asked if Ms. Russell had anything to add at which time she went over the four options again and suggested that in her opinion option three or a variation of option four would be the best options.

The board voted to close the hearing and advised the appellant about the scheduled deliberation starting at 3:00 P.M. that day.

At approximately 2:47 P.M. on June 03, 2011 the board opened up deliberation at which time Mr. Stonesifer explains, that in his opinion, the appraisal Walker Woods presented reflects the market value better than the value generated by Tyler Technologies.

A motion was then made by Mr. Stonesifer and seconded by Mr. Welsh to amend the assessed value to 3.1 Million dollars, based on the appraisal submitted by Walker Woods LLC. The motion carried, two to one.

CITY COUNCIL'S
BOARD OF ASSESSMENT APPEALS

On June 03, 2011 a hearing was held on the appeal. Three members of the Board were present making a quorum of the Board, those being: William Garfinkel, Chairman of the Board, James Welsh, and Tom Burns. Also present were Cheryl Russell, The city Assessor and Annette Hart, Administrative Assistant to the City of Dover Assessor's Office.

1. Appeals

A. NOLL SUZANNE J

Location: 171 N Edgehill Ave. - ED05-068.18-01-43.00

Appealed Assessment: $303,000
Recommended Value: $214,200
Requested Assessment: $55,400

Present was the Applicant Ms. Noll.

Ms. Noll testified that the taxable value of the appealed property was at $55,000 before the 2010 revaluation and has been increased to $303,000. She wanted to know what the difference between an appraised and assessed value was, because they were both at $303,000.

Ms. Russell explained that two values are the same, because the City uses 100% of the market value. She also informed the appellant as well as the board that she had spoken to Tyler Technologies due to the appeal and was able to reduce the value to $124,200.

Mr. Burns asked why the property was valued at $55,000 before the revaluation and asked if this was at 100% of market value.

Ms. Russell explained that before the 2010 revaluation, the property was taxed on vacant land only; the rental income was not taken into account, during the 2010 revaluation the property was looked at as income producing property which raised the value.

Chairman Garfinkel asked the appellant as well as the City Assessor, if there is anything else either party would like to add, at which time both appellant and the City Assessor, told the Board that they had nothing further to add.

Ms. Russell went over the income formula which was used to calculate the value of the property, so Ms. Noll would get a better understanding.

Ms. Noll asked if the income and expense forms are used to calculate the value.

Ms. Russell explained that these forms are used during revaluations and will be mailed out every year. She also explained that the information received will be entered into tables, which will be used to calculate the value for, in this case, all of the mobile home parks in the City.

The Board voted to close the hearing, Chairman Garfinkel asked the board if they would like to deliberate now at which time the members voted to deliberate while the appellant was present.

Mr. Burns went over the income calculations, to insure that they were fair and accurate.

Chairman Garfinkel thought that the appellant did not have compelling evidence to prove to the board that the assessment was incorrect.

Ms. Noll explained that she was not aware that the value had been reduced to $214,200.

Ms. Russell explained that the value could not be changed without taking the matter before the board.

A motion was made by Mr. Welsh and seconded by Mr. Burns, to approve the City's revised value of $214,200. The motion carried unanimously, three to zero.

B. RAYNOR WILLIAM C

Location: 640 S DuPont Hwy. - ED05-077.14-01-19.03

Appealed Assessment: $749,500
Requested Assessment: N/A

Present were the Applicants, Mr. Raynor and Mr. Patel.

Mr. Raynor explained to the board that he owns the land which he leases to Mr. Patel who operates a motel on the appealed property.

Mr. Raynor testified that one of the reasons for his appeal was a change in the zoning by the City from C2A to C4. In his opinion, there are no other properties in his area which have been sold. He believes the City has no data to justify the value of his property.

Chairman Garfinkel asked if Mr. Raynor was under the impression, that the board had authority to make any changes to the zoning of his property.

Mr. Raynor explained that he had been a member of the board for the town of Smyrna, which was able to make recommendations regarding zoning.

Ms. Russell informed Mr. Raynor that the Board of Assessment Appeals deals with assessments only.

Ms. Russell explained that the City is using the income approach to value this property. She went on to verify that the motel consisted of 20 rooms?

Mr. Patel testified that the hotel has 19 rooms.

Ms. Russell asked if the nightly rate was $59 at which time Mr. Patel told the board that he is lucky if he can get $30 right now.

Mr. Russell explained that the information used to calculate the value during the 2010 revaluation was based on the years 2007-2009.

Mr. Raynor asked how the City knows what the Income and Expenses for each property are.

Ms. Russell explained to him that the Assessor's Office mailed Income and Expense forms to the commercial business owners, which were used to value properties in the City during the revaluation. She explained that these forms will be mailed out every year to gather data for the next revaluation.

Mr. Burns wanted to clarify that the zoning of the property did not affect the value, due to the fact that the income approach was used to value the property.

After Ms. Russell changed the room count from 20 to 19, she also made the necessary calculations, which reduced the value from $749,500 to $712,000. She then made the recommendation to the board to change the value to $712,000 based on a clerical error.

Mr. Raynor asked what would happen if the motel goes out of business, would the City still value the property the same.

Ms. Russell explained that even though a business is empty right now, it could be rented at any given time and therefore the value would not be changed while the business is empty.

Chairman Garfinkel asked the appellant as well as the City Assessor, if there is anything else either party would like to add, at which time both appellant and the City Assessor, told the Board that they had nothing further to add.

The Board voted to close the hearing. Chairman Garfinkel asked the board if they would like to deliberate now at which time the members voted to deliberate while the appellant was present.

Mr. Burns explained that in his opinion the City's way of valuing the property using the income and not putting any weight on the land was fair.

A motion was made by Mr. Burns and seconded by Mr. Welsh, to approve the City's revised value of $712,000. The motion carried unanimously, three to zero.

C. DISABATINO THOMAS

Location: 346 Topaz Cir. - ED05-067.01-01-32.00

Appealed Assessment: $257,700
Requested Assessment: $242,000

Present was the Applicant Mr. DiSabatino.

Mr. DiSabatino asked if the value of his property is based on the sales listed on the comparable sales sheet and also wanted to know what the construction price per square foot was.

Ms. Russell testified that the City used a value of $86 per square foot for his property.

Mr. DiSabatino provided evidence of homes that have sold in his neighborhood in the last 6 months. In his opinion based on this information his house should have been valued at $78 per square foot. He also brought a printout from the internet, in which it stated that, the average price per square foot for Dover was $89 which shows a decrease of 15.2% compared to the same period last year. He told the board that this decrease was just in one year's time, not to mention the decrease since 2008 which is the year used for comparable properties.

Ms. Russell explained to Mr. DeSibatino, that the sales used during the revaluation were from 2007, 2008 and 2009, those were the base years used to calculate the value, even if a home was built after those years, the value of the new home would still be based on 2007-2009.

Mr. DeSibatino asked Ms. Russell to explain how sales that happened 3 years ago could be used to calculate the value of a home for the current market.

Ms. Russell explained that January 01, 2010 is the base year for the last revaluation. She also mentioned that during a revaluation, sales from three years prior are used to annualize the value, therefore, if the City would go through another revaluation in 2013, the years used to analyze would be 2010-2012.

Chairman Garfinkel asked the appellant as well as the City Assessor, if there is anything else either party would like to add, at which time both appellant and the City Assessor, told the Board that they had nothing further to add.

The Board voted to close the hearing. Chairman Garfinkel asked the board if they would like to deliberate now at which time the members voted to deliberate while the appellant was present.

A motion was made by Mr. Welsh and seconded by Mr. Burns, to accept the City's value. The motion carried unanimously, three to zero.

D. WALKER SQUARE UNIT 884 B CONDO III LLC

Location: 884 B Walker Road - ED05-067.19-02-02.11

Appealed Assessment: $357,300
Requested Assessment: N/A

Present was the Applicant Mr. Everett.

Mr. Everett testified that he purchased the property 10 years ago for $250,000. He believes that he would not be able to get $250,000 today. He also believes that the numbers used to calculate his income per square foot were not realistic, he would not be able to get that kind of rent today the way the market is.

Ms. Russell pointed out that during the informal appeal Mr. Everett had with Tyler Technologies, it was discovered that the square footage had been incorrect, which changed the value from $178,700 to $357,300.

Mr. Everett acknowledged that he was aware of the correction.

Mr. Burns explained that the square footage value used for calculation would be fair for replacement basis. He was wondering how much value was put on the income producing value.

Ms. Russell explained that economic adjustments were made to certain areas in the city, the area that the appealed property is located in, was not adjusted. She explained to the board, that they could make adjustments if they feel that Mr. Everett's testimony warrants an adjustment.

Mr. Burns told the board that Walker Square never did receive the rental income other areas in the City received.

Chairman Garfinkel asked if the requested Income and Expense forms were submitted during the revaluation year.

Ms. Russell explained that since these forms are confidential, she did not research if Mr. Everett turned his in during the revaluation.

Chairman Garfinkel asked if these forms would have been used to calculate the value of the appealed property.

Ms. Russell assured him that the data from the Income and Expense forms, which had been returned to the Assessor's Office, were used for calculations during the revaluation. She

explained to the board that if Mr. Everett had submitted his Income and Expense information at the time he filed the appeal, she would have been able to use this to determine the value.

Chairman Garfinkel asked Mr. Everett if he turned his Income and Expense forms in during the revaluation.

Mr. Everett testified that he took the requested form to the informal appeal hearing with Tyler Technologies, but did not leave them with Tyler Technologies.

Chairman Garfinkel concluded that if the forms would have presented enough evidence to make changes to the value at the informal hearing, Tyler Technologies would have done so.

A motion was made by Chairman Garfinkel and seconded by Mr. Burns, to accept the City's value of 357,300. The motion carried unanimously, three to zero.

E. 1151-1155 WALKER ROAD LLC

Location: 1151-1155 Walker Road - ED05-067.18-01-79.00

Appealed Assessment: $1,334,700
Requested Assessment: N/A

Present was the Applicant Mr. Everett.

Mr. Everett testified that he tried to appeal the value during the revaluation, but did not get a chance to talk to Tyler Technologies. He believes that the assessment of the two buildings at $1,334,700 is too high; he also thought the income rate per square foot used for calculations was too high for what he is getting. He explained that one of the buildings is empty at the moment. Mr. Everett was wondering how Tyler Technologies came up with the numbers used to calculate the value.

Ms. Russell explained that the information gathered from the Income and Expense forms during the 2010 revaluation was used to calculate the value.

Mr. Burns told Mr. Everett, that in his opinion the numbers used to calculate the value were fair.

Chairman Garfinkel asked the appellant as well as the City Assessor, if there is anything else either party would like to add, at which time both appellant and the City Assessor, told the Board that they had nothing further to add.

The Board voted to close the hearing. Chairman Garfinkel asked the board if they would like to deliberate now at which time the members voted to deliberate while the appellant was present.

Mr. Burns pointed out again, that based on the years of 2007-2009; the calculations used for the appealed property are accurate.

A motion was made by Mr. Burns and seconded by Mr. Welsh, to accept the City's value of $1,334,700. The motion carried unanimously, three to zero.

F. JOAN REYNOLDS-EVERETT REVOC TRUST

Location: 50 Elm Ter. - ED05-077.09-05-59.01

Appealed Assessment: $23,300
Requested Assessment: N/A

Present was the Applicant Mr. Everett.

Mr. Everett testified that piece of property is located in a cleanup, drainage site and has absolutely no value. He also explained that the piece of land has been attached to the main parcel since approximately 1920. He told the board that located directly behind the parcel are drains which lead into a septic system.

Ms. Russell explained that the property had been reviewed and reduced. The property was reclassified as residual land and had also been given a 50% reduction in value.

Mr. Burns told the board that he is familiar with the site and went briefly over the history. He also pointed out that with most of the properties on Elm Street; these properties are combined with the main parcel. He suggested that Mr. Everett might want to look into having the properties combined, which would eliminate the tax bill for that parcel.

Ms. Russell explained that she is not sure what the impact on the property value would be and advised Mr. Everett that there is a fee associated with the combination of the two properties.

Mr. Burns agrees that this parcel does need to be valued. He also suggested Mr. Everett give the parcel to the City since it is of no value to him.

A motion was made by Chairman Garfinkel and seconded by Mr. Burns, to accept the City's recommended assessment of 5,300. The motion carried unanimously, three to zero.

CITY COUNCIL'S
BOARD OF ASSESSMENT APPEALS

On June 07, 2011 a hearing was held on the appeal. Three members of the Board were present making a quorum of the Board, those being: William Garfinkel, Chairman of the Board, James Welsh, and Tom Burns. Also present were Cheryl Russell, The city Assessor and Annette Hart, Administrative Assistant to the City of Dover Assessor's Office.

1. Appeal

A.VAUGHN SHERIE

Location: 225 W Loockerman St. - ED05-077.09-01-52.00

Appealed Assessment: $158,300
Requested Assessment: $95,000

Present was the Applicant Ms. Vaughn.

Ms. Vaughn told the board that the building was constructed in 1930. She explained that the building has no heating, plumping and air-conditioning. She testified that she feels the land value of the property is correct. Ms. Vaughn thought that the building is assessed to high, because the building needs too many upgrades in order for it be able to be put on the market.

Ms. Russell told the board that she had meet with Ms. Vaughn prior to the appeal hearing, at which time she made adjustments for the air-conditioning, the heating and the plumbing, which reduced the value from $158,000 to $113,700.

Mr. Burns asked if the building is usable or weather tight.

Ms. Vaughn told him that she had just replaced the roof and that the building is used for storage.

Chairman Garfinkel asked the appellant as well as the City Assessor, if there is anything else either party would like to add, at which time both appellant and the City Assessor, told the Board that they had nothing further to add.

The Board voted to close the hearing. Chairman Garfinkel asked the board if they would like to deliberate now at which time the members voted to deliberate while the appellant was present.

Mr. Burns agreed with the land value of the property, but did point out that the building is in need of upgrades. He then told Ms. Vaughn that he agrees with the recommend new value, as he believes that there is tangible value in the building.

Chairman Garfinkel concurred with statement made by Mr. Burns.

A motion was made by Mr. Welsh and seconded by Mr. Burns, to accept the City's revised value of $113,700. The motion carried unanimously, three to zero.

B. HARMON RONALD & JANET

Location: 1429 New Burton Rd. - ED05-085.11-01-03.02

Appealed Assessment: $1,275,300
Requested Assessment: $690,000

Present was the Applicant Mr. Harman.

Mr. Harman asked if the board was given a copy of his Income and Expense form, which was used to value his property.

Ms. Russell told Mr. Harman that the board was not provided with the income and expense information since it is considered confidential.

Mr. Harman told Ms. Russell that he would not have a problem with the board looking at this information as it was used to calculate the value. He went on to point out that there are no comparable sales for mini storage facilities in the City of Dover. Mr. Harman pointed out that the old State News building, which is located just down the road from his property, sold for $2,000,000 a few years ago. He also told the board about another property down the road from him which was purchased for approximately $800,000, where the owner tried to sell the same property to Mr. Harman, a couple of month ago for, $400,000. Mr. Harman testified that his property is land locked and that he tried to sell the property a few years ago for $90,000 but was not able to do so. This is when he decided to build a mini storage facility. Mr. Harman told the board that the replacement value placed on his property is too high, he explained that it cost him $900,000 to build the facility and that he did not understand why his property value went up that much. Mr. Harman told the board that he is not intending on selling the property. In Mr. Harman's opinion his property should be valued at about $900,000. Mr. Harman told the board that he thought that a revaluation should be revenue neutral but believes that the City of Dover did the revaluation to generate more revenue. He told the board that he is not sure what his occupancy rate is going to be for next year and asked the Assessor if the value of his property was based on income.

Ms. Russell explained that the information used to calculate the value was from the years 2007, 2008 and 2009. She also told Mr. Harman that the revaluation was revenue neutral, that Council did roll the tax rate back to make it revenue neutral but went on to increase the rate due to the budget.

Mr. Harman told the board that he has not raised his rent since 2007 which is the reason he is able to keep his occupancy rate up. In his opinion the value should be based on the land and the building and not on the income it generates.

Chairman Garfinkel asked the appellant as well as the City Assessor, if there is anything else either party would like to add, at which time both appellant and the City Assessor, told the Board that they had nothing further to add.

The Board voted to close the hearing. Chairman Garfinkel asked the board if they would like to deliberate now at which time the members voted to deliberate while the appellant was present.

Mr. Burns pointed out that the land value the City used for Mr. Harman's property is less than others. In his opinion the location of the property is taken into consideration. He believes that the property value is consistent with all the other values.

Chairman Garfinkel concurred with the opinion given by Mr. Burns.

A motion was made by Mr. Burns and seconded by Chairman Garfinkel, to accept the Assessor's Valuation. The motion carried unanimously, two to zero. Mr. Welsh abstained.

C. 1. CHRISTOPHER J RAUBAHER

Location: 534 Greenhill Ave. - ED05077.06-01-36.00

Appealed Assessment: $174,100
Requested Assessment: N/A

Present was the Applicant Mr. Raubacher and his appraiser Mr. McGinnis.

Mr. McGinnis told the board that in his opinion $150,000 would be a better value for the property and handed out a mortgage loan appraisal which was prepared to USPAP standards. He pointed out that all three comps used in the appraisal point to a value of $150,000.

Mr. Welsh asked if the comparable sales used where from the current year, which they were according to Mr. McGinnis.

Ms. Russell explained that the comparable sales used during the revaluation were from the years 2007, 2008 and 2009.

Mr. Burns pointed out that the property information on the sheet, provided by Mr. McGinnis, showed the home only having one bath, at which time Mr. Raubacher told the board that the home does have two baths.

Mr. McGinnis made a $3,500 adjustment for the extra bathroom which brought the requested value to $153,500.

Mr. Welsh asked if there had been recent sales in the neighborhood.

Mr. Raubacher told him that the last sale was for home two doors down, which went for approximately $134,000.

Chairman Garfinkel asked the board as well as the Assessor if they had more questions, which they did not.

Mr. Burns asked if the board could deliberate on the property, at which time Chairman Garfinkel closed the hearing and opened deliberations.

Mr. Burns commented on the sale mentioned which occurred two doors down; he told the board that the property was smaller and in worse shape than the appealed property. In his opinion, if the board has to go back to values from the year 2010, the value requested by Mr. McGinnis is too low but Mr. Burns believes that the value given by the City is too high. In Mr. Burn's opinion the property should be valued around $160,000 because of the age of the home and the location.

Chairman Garfinkel asked if the land value should be adjusted to make the change requested by Mr. Burns.

Mr. Burns suggested adjusting the land value from $75,600 to $61,500 which would adjust the value of the property to $160,000.

Mr. Welsh made the motion, which was seconded by Mr. Burns, to reduce the land value to $61,500 which would bring the total value to $160,000. Motion carried unanimously, three to zero.

C. 2. CHRISTOPHER J & REBECCA RAUBAHER

Location: 106 S Governors Ave. - ED05-077.09-01-40.00

Appealed Assessment: $134,000
Requested Assessment: N/A

Present was the Applicant Mr. Raubacher and his appraiser Mr. McGinnis.

Mr. McGinnis told the board that Mr. Raubacher is accepting the value of $134,000.

C. 3. FORTY S BRADFORD STREET LLC

Location: 40 S Bradford St. - ED05-077.05-03-70.00

Appealed Assessment; $181,900
Requested Assessment: N/A

Present was the Applicant Mr. Raubacher and his appraiser Mr. McGinnis.

Mr. McGinnis handed out an appraisal report for the appealed property. He told the board that the property had been empty during 2007 and 2008 but is fully occupied now. Mr. McGinnis explained that it he could not find comparable sales for the two unit home and therefore the comparable sales used in the appraisal, were sales his company had used in other appraisals. Mr. McGinnis believes that the assessed value for approximately $90,000 per rental unit is too high in today's market place and believes a value of $75,000 per rental unit would be more accurate.

Ms. Russell explained that the market approach was used to value the home. The comparable homes used were single family homes with the same square footage, which did not take into account the two unit complex. She went on to go over the comparable sales used during the valuation.

Mr. Raubacher explained that his half of the home is broken into two rental units and his neighbor's half is used only by the neighbor.

Mr. Burns stated that the home looks very nice and asked if renovations had recently been made.

Mr. Raubacher told the board that he did have new windows installed and had them also installed on the neighbors half for free, so the house would look the same. He told the board that he purchased the home for $90,000 three years ago and renovated the home but believes that the home is valued to high.

Mr. Burns verified that the home was rented before the revaluation date of January 01, 2010 at which time Mr. Raubacher told the board that at least one half of the home was rented.

Chairman Garfinkel closed the hearing and opened for deliberations.

Mr. Burns told the board that he did not agree with the $150,000 value for the two rental units combined but does express concern about the attached home, which is owner occupied and valued less, which was not appeal. He believes that even this home is valued incorrectly.

Chairman Garfinkel agrees, in his opinion there should be some consistency between the two buildings.

Ms. Russell suggested to the board that they look at the value of the home itself and not so much at the consistency, because this is a unique property and cannot be compared to another home like it in the neighborhood.

Mr. McGinnis believes that the home should be valued as an apartment and even though the neighbor did not appeal his value does not make the value correct.

Mr. Welsh asked if the property would be valued differently if the income approach had been used.

Mr. Burns asked if the board could look at the income approach for the property. He believes this would be a fair way of valuation as the home is used as an income producing property. He also pointed out that Mr. Raubacher holds his properties to a higher standard and should not be penalized because of this.

In Mr. Welsh's opinion the house should be valued higher than the suggested value of $150,000 but lower than $174,000, which is the neighbor's value.

Mr. Burns agrees that the value should not be based on the home attached, even though they look the same up front, because Mr. Raubacher renovated the neighbor's home along with his, they are two completely different homes.

Mr. Welsh made the motion, which was seconded by Mr. Burns, to reduce the assessed value to $155,000. Motion carried unanimously, three to zero.

C. 4. FORTY S BRADFORD STREET LLC

Location: 123-127 W Loockerman St. - ED05-077.09-02-04.00

Appealed Assessment: $679,900
Requested Assessment: N/A

Present was the Applicant Mr. Raubacher and his appraiser Mr. McGinnis.

Mr. McGinnis handed out an appraisal report for the appealed property. He told the board that the income approach was used to value the property. Mr. McGinnis then continued to cover the rental income for the property and explained the rental information used in his report is current and is probably higher than the rents would have been during the revaluation year. He told the board that the store is just an open store with a wall that separates the store from the storage space.

Mr. Burns asked Mr. McGinnis to go over the “gross rent” information provided in the appraisal, which he did. He pointed out the difference in calculation rates used by the City compared to the appraisal report provided by Mr. McGinnis.

Mr. Raubacher testified that a big part of the building is used for storage.

Mr. Burns started to re-calculate the value based on the information provided.

Ms. Russell explained to the board that there are discrepancies in the way the value was valued based on the information provided, but is not sure what the adjustment should be as she does not have access to her computer and the program which is used calculate the values.

The board asked if it would be best if Ms. Russell made the calculation in her office and inform the board about the new value.

Ms. Russell suggested that she re-calculates the value, get in touch with the appellant and then inform the board what the new value would be. She also told the board, that the board might have to meet again if the Assessor and Mr. Raubacher are not able to come to an agreement.

Chairman Garfinkel suggested to recess the meeting until the Assessor has had a chance to make her calculations and get back to the board.

Mr. Welsh made the motion, which was seconded by Mr. Burns, to recess the meeting until the Assessor has had a chance to make the calculation and report back to the board. Motion carried unanimously, three to zero.

Ms. Russell and Mr. Raubacher agreed to stipulate the value to $597,700, which was unanimously accepted by the board via email.

C. 5. FORTY S BRADFORD STREET LLC

Location: 27 W Loockerman St. - ED05-077.09-02-37.00

Appealed Assessment: $307,700
Requested Assessment: $N/A

Present was the Applicant Mr. Raubacher and his appraiser Mr. McGinnis.

Mr. McGinnis told the board that Mr. Raubacher is accepting the value of $307,700.

CITY COUNCIL'S
BOARD OF ASSESSMENT APPEALS

On June 08, 2011 a hearing was held on the appeal. Three members of the Board were present making a quorum of the Board, those being: William Garfinkel, Chairman of the Board, James Welsh, and Todd Stonesifer. Also present were Cheryl Russell, The city Assessor and Annette Hart, Administrative Assistant to the City of Dover Assessor's Office.

1. Appeals

A. WILLIAM C TORBERT JR.

Location: 666 S DuPont Hwy. - ED05-077.14-01-19.04

Appealed Assessment: $1,800,000
Requested Assessment: $1,100,000

Present was the Applicant Mr. Torbert.

On June 08, 2011 a hearing was held on the appeal. Three members of the Board were present making a quorum of the Board, those being: William Garfinkel, Chairman of the Board, James Welsh, and Todd Stonesifer. Also present were Cheryl Russell, The city Assessor and Annette Hart, Administrative Assistant to the City of Dover Assessor's Office. Present was also the Applicant Mr. Torbert.

Mr. Torbert told the board that the appealed property had been appraised due to the loss of his wife, at which time he presented the appraisal to the board which valued the property at $1,000,000. In his opinion the property is located on a highway away from the mall and is assessed to high.

Ms. Russell asked Mr. Torbert if the presented appraisal was the same used when he appealed the value in 2010, which it was.

In Mr. Torberts opinion the property is assessed too high for the location it is in. He asked if only the taxes for commercial business were increased during the revaluations.

Ms. Russell explained that all properties in the City were reassessed. She also told Mr. Torbert that the revaluation was revenue neutral and that Council raised the taxes due to the budget after the tax had been rolled back.

Mr. Torbert expressed his concern about the revaluation company which is located in New Jersey, in his opinion they do not know anything about the properties in Dover. He asked if

the income and expense information was used to value the property. Mr. Torbert does not feel that this method should be used to value the property.

Ms. Russell reminded the board that this property had been appealed last year at which time the board reduced to the appealed value to $1,800,000. She pointed out that this number is not the value given by Tyler Technologies but was given by the board during the appeal hearings of 2010.

Mr. Stonesifer recalled the hearing of 2010 and what was discussed at the time and pointed out that the tenants Mr. Torbert has, are good tenants and that therefore there has not been any reason for him to increase the rent. In Mr. Stonesifer's opinion the rent could be raised once the space would be rented to a new tenant.

Chairman Garfinkel asked if Mr. Tudor submitted the requested income and expense forms during the revaluation, which he did.

Mr. Stonesifer pointed at a statement in Mr. Tudor's appraisal where the appraiser mentioned that rents are below market and could be increased over time.

Ms. Russell explained that the original value which was generated by the revaluation was calculated based on the income but the value of $1,800,000, which is before the board, came from the board's decision during the appeal hearing of 2010.

Chairman Garfinkel than closed the hearing and asked the board if they would like to deliberate while the appellant was present. A motion was made by Mr. Stonesifer to open for deliberations, which was seconded by Mr. Welsh. Motion carried unanimously, three to zero.

In Mr. Stonesifer's opinion no new evidence had been submitted since the appeal last year. He believes the assessment is fair.

Chairman Garfinkel concurred with Mr. Stonesifer; he also believes that no new evidence has been provided to warrant a change in the value.

Mr. Stonesifer made the motion, which was seconded by Mr. Welsh, to uphold the board's decisions of last year for $1,800,000. Motion carried unanimously, three to zero.

B. HIRSH INDUSTRIES LLC

Location: 1525 McKee Road - ED05-057.00-02-01.02

Appealed Assessment: $6,898,000
Requested Assessment: $5,000,000

Present was Mr. Murr, representative for Hirsh Industries LLC.

Mr. Murr started by handing out part of an appraisal for Hirsh Industries LLC, which was done in 2009. He told the board that the appraisal was done by a bank in order for the company to be able to borrow money. The appraisal came in at $5,000,000. He then went on to talk about the history of the plant and proceeded to go over the appraisal. Mr. Murr told the board that an increase in property value of approximately $1,900,000 seems huge. He also mentioned that the company did not notice the increase in value last year, which is why they did not appeal in 2010.

Ms. Russell explained that the income and expense forms provided by Hirsh Industries LLC during the revaluation were used to value the property. She went on to point out two sales of similar properties that sold for approximately $3,500,000 and were approximately half the size of the appealed property. Ms. Russell explained that the sales were not used to value the property, but wanted to point out that based on this information, the value of the appealed property falls in line with others.

Mr. Murr explained to the board that he is worried that due to the increase in value and taxes the company might be forced to leave Dover which would leave the City with another empty building.

Mr. Stonesifer asked if the bank, Hirsh Industries LLC switched to, did the appraisal, which they did. He went on to search through the appraisal to look for the comparable sales used in the appraisal, but found out that that page was not provided. He asked Ms. Russell if she know what kind of business was occupying the two earlier mentioned facilities and how they were labeled.

Ms. Russell was not sure what kind of businesses were in those two buildings but told Mr. Stonesifer that they were both labeled light manufacturing, same as Hirsh Industries LLC.

Chairman Garfinkel than closed the hearing and asked the board if they would like to deliberate while the appellant was present.

Mr. Welsh pointed out that it was not up to the board to set value but to make sure that everybody was treated equal.

Chairman Garfinkel agreed. He explained that in his opinion the value of the property is consistent with like properties in the City and that he has not heard anything to refute the calculation.

Mr. Stonesifer expressed concern about not being able to review the complete appraisal, especially the comparable sales page. He pointed out that the appraisal was done by a Delaware licensed appraiser. While he agrees that it is the board's duty to ensure the value of the property is fair and equal, he believes it would also be in the City's best interest to ensure the company does not close its doors. He explains that the appraisal provided was not done to dispute the City's value and therefore believes that the appraisal is to be taken into account. Looking at the two sales mentioned earlier, he explained that they are both valued lower than what they sold for and believes that the appealed value should at least be approximately $6,000,000 and not $6,898,000. Mr. Stonesifer believes the board should consider the $5,000,000.

Chairman Garfinkel summarized that it seems that the board agrees that the City's value is too high. His question was what the appropriate number should be. In his opinion the value of the appraisal should be considered as well as the value by the City.

Mr. Welsh agrees with Chairman Garfinkel and believes the value should be reduced to $6,000,000.

Mr. Welsh made the motion, which was seconded by Chairman Garfinkel, to reduce the value to $6,000,000. Motion carried two to one.

C. LAKSHYA LLC

Location: 111 S West St. / 585-595 Forest St - ED05-076.12-02-46.00

Appealed Assessment: $2,686,800
Requested Assessment: $1,500,000

Present was Mr. Patel, the owner, Mr. Carey, attorney, Ms. Pries, certified appraiser, Mr. King from the Delaware BAR and Mr. Patel, member of the LLC.

Mr. Carey referred to the appraisal provided before the hearing. He requested the board keep the land value of $453,200 but reduce the building value to $1,046,800 for a total value of $1,500,000. In his opinion the City's assessment is too high and not supported by comparable sales, market conditions, or the income production of the site. He told the board that the property was bought out of bankruptcy for $1,787,500. Mr. Carey testified that the appraisal submitted valued the property just a little over $2 million as of 1/6/2011 but told the board that in the market was much worse in 2010 than it is today. He also told the board that the building is currently 80% unoccupied. Mr. Carey asked Ms. Pries to go over the appraisal, which she did. Mr. Carey pointed out that the property had been purchased prior to Lakshya LLC for a high amount of money which, in his opinion was because the property was fully occupied at that time.

Ms. Russell wanted to explain the difference between the previous and current value, which was why they received the new value letters mailed by the Assessor's Office. She told the board that the property had been under a 10 year abatement offered by the City, which just came to an end. She explained that the property was valued at $2,686,800 during the revaluation, but

the owner had not been taxed on the full value. She proceeded to go over the calculation used for the valuation of the property, which were based on the income and expense information provided.

Mr. Carey pointed out that the appraisal report estimates a full occupancy in four years for the date of the appraisal. He explained to the board that his client had originally offered $1.3 to $1.4 million for the property but because the property was sold as part of a group of properties, the actual purchase price was $1,787,500.

Chairman Garfinkel asked what the base year for the appraisal was.

Ms. Pries told the board that the appraisal was mainly based on 2010 perhaps some on 2009.

Chairman Garfinkel pointed out that the appraisal did not use the base years used by the revaluation except for one.

Mr. Patel addressed the board, letting them know that there is a big difference in rental income between 2007 and now because the property is vacant.

Mr. Stonesifer asked the appraiser what difference in values she has noticed from 2010 to the date the appraisal was submitted.

Ms. Pries testified that during the years 2009 to 2010 the values decreased at an approximate rate of 1%, but has noticed that the values stabilized and only dropped ½ percent in 2011.

Mr. Stonesifer asked Mr. Pries if the appraisal would have come in higher if she would have used sales from 2009 and 2010.

Ms. Pries agreed that the value probably would have come in at a higher appraised value.

Mr. Welsh pointed out that the board has to look at values from 2007-2009, which is what the base year for the revaluation was.

Chairman Garfinkel closed the hearing and opened deliberations.

Mr. Stonesifer pointed out that the numbers used to value the property were based on the years 2007, 2008 and 2009. It is not clear to Mr. Stonesifer why the appellant is asking for a value of $1,500,000 when it was stated clearly that the property would have been valued even higher in January of 2010 than the appraisal submitted for $2,030,000 based on January 2011.

Chairman Garfinkel concurred with Mr. Stonesifer. In Chairman Garfinkel's opinion, the appellant did not provide sufficient evidence to warrant a reduction in value.

Mr. Stonesifer made the motion, which was seconded by Mr. Welsh, to uphold the city's value of $2,686,800. Motion carried unanimously, three to zero.

D. PRIORITY RADIO

Location: Broadcasting Equipment – State of Delaware Tower - ED05-099.99-99-999.01

Present was Reverent Hare, representative for Priority Radio.

Reverent Hare told the board that the city had mistakenly identified Priority Radio as the property owner of the Delaware State Police Tower located at 1407 N DuPont Hwy, which is owned and operated by the State of Delaware. He explained that the tax bill lists a value of $500,000. Reverent Hare told the board that Priority Radio rents an antenna system located near the top of the tower used to broadcast. He told the board that the rent for the equipment is $18,000 per year.

Ms. Russell explained that the City does not list Priority Radio LLC as the owner of the tower. She told the board that each tenant of the tower is assessed a value of $500,000.
The Parcel ID number used to identify the equipment is not the actual Parcel ID number for the tower, but is only used to identify the equipment on the tower and its user. Ms. Russell explained to the board that the City is willing to grant the exempt status to Priority Radio, given they are able to supply the required information, but pointed out, that Priority Radio would still owe taxes for the prior years, should the exemption not be granted. Ms. Russell would be willing to lower the assessed value. Ms. Russell would request rental information from the appellant for the equipment located on the tower.

Reverent Hare supplied the Assessor with the necessary exemption paperwork. He told Ms. Russell that the rent is about $700 per month. He asked the Assessor why the equipment on the tower is valued.

Ms. Russell explained that the City values the leases of the equipment on the tower and not the tower itself. Value letters had been mailed to all of the tenants in 2006, when the value was first added.

Chairman Garfinkel closed the hearing and opened deliberations.

Chairman Garfinkel asked if the property would qualify for the exemption based on the information provided.

Ms. Russell went over the paperwork and assured the board that the paperwork provided states that the entity has the 501(c) 3 status, which qualifies them for the exemption. She told the board that she had requested an opinion from the City Solicitor prior to the hearing, in which he stated that an exemption can be applied, if the lessee can prove that this is a religious society or church and the use is for such and not used by way of investment.

In Chairman Garfinkel's opinion, this is a unique situation, where the tower is not located next to the church. The lease agreement is based on a contract and should therefore be taxed.

Chairman Garfinkel wanted to state for the record, that in his opinion, this contractual situation, where the parties have agreed to pay the appropriate taxes is outside the scope of the meaning of the law.

Mr. Welsh made the motion, which was seconded by Mr. Stonesifer, to grant the exemption. Motion carried, two to one.

D. RYAN A & TABITHA DUERR

Location: 921 Westview Ter. - ED05-077.17-02-09.00

Appealed Assessment: $188,100
Assessor's Recommendation: $183,400
Requested Assessment: $160,000

Present was the Applicant Mr. Duerr.

Mr. Duerr told the board that the value placed on his home during the 2010 revaluation was for $188,100. He referred to an appraisal of the property he had done before he purchased the home, which values the home at $160,000. Mr. Duerr pointed out that the comparable sales used in his appraisal also show a decline in value.

Chairman Garfinkel noted that there had been an adjustment by the Assessor's office to the value prior to the hearing and asked the Assessor to explain the reason.

Ms. Russell testified that based on information provided in the appraisal provided by the appellant, she made adjustments to the condition of the pool as well as adjustments to the size of the deck, which reduced the value to $183,400. Ms. Russell also pointed out that comparable sales used during the revaluation were based on the years 2007, 2008 and 2009.

Mr. Duerr had questions regarding the way his basement was listed and valued. He wanted to make sure the size of the basement was listed correct due to the split level home at which time Ms. Russell explained the measurements to Mr. Duerr.

Chairman Garfinkel closed the hearing and opened deliberations.

Mr. Stonesifer told the board that in his opinion the board should consider the appraisal provided by Mr. Duerr. Even though it does not fall into the revaluation base year, it should still be considered. He believes that based on the wide range of values and square footage, in the neighborhood, during the revaluation, it did not value the property correctly. Mr. Stonesifer believes that the appraised value of the appraisal falls within the scope of that range.

Mr. Stonesifer made the motion to accept the appraised value of $160,000, which was not seconded. Motion failed.

Chairman Garfkinel asked for another motion.

Chairman Garfkinkel believes that the board should use the value calculated based on the revaluation years of 2007, 2008 and 2009, as they have done with all the other appealed properties.

Chairman Garfinkel made the motion, which was seconded by Mr. Welsch to accept the Assessor's revised value of $183,400. Motion carried, two to one.

CITY MANAGER'S MONTHLY REPORT



JUNE 2011

Monthly Highlights

Customer Services

- 1,372 payments were processed online or by telephone in June 2011.
- City of Dover property taxes were due August 31, 2010. As of June 30, 2011 the delinquent property taxes total $347,319 for all tax years. Our collection efforts include sending a delinquent statement, making phone calls, and enforcing the Clean Hands Act. The Inspections and Planning Departments have been providing assistance in collecting these outstanding debts. In November the properties over one year delinquent will be selected to process for the monition sale. Currently, there are approximately 28 properties selected for processing.

Budget and Program Development

- Prepared for and attended Budget Hearings.

Human Resources

- Negotiations held with the Fraternal Order of Police.

Parks, Recreation, & Library

- June 2011 Concerts on the Green series hosted various events including the Miss Delaware Pageant, the Chesapeake Brass Band and the Honeycombs. Total attendance for the month exceeded 1,400.
- On June 15th, WBOC's "Destination Delmarva" series broadcasted live on the Green.
- The Job Center assisted 90 residents and 61 attended 9 children's programs.

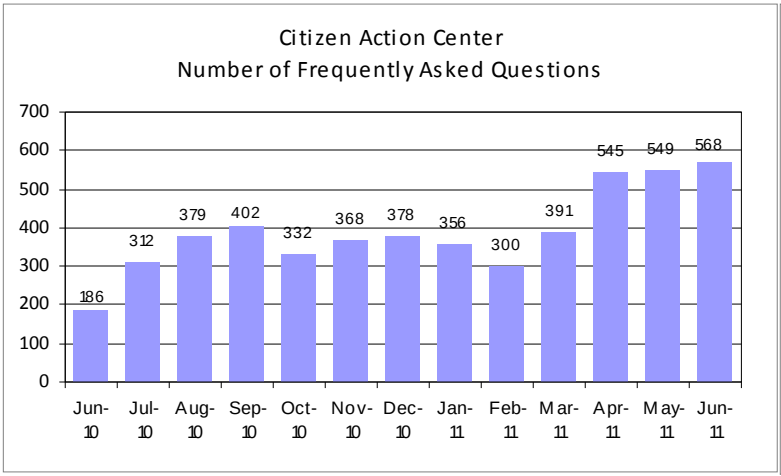
Public Services

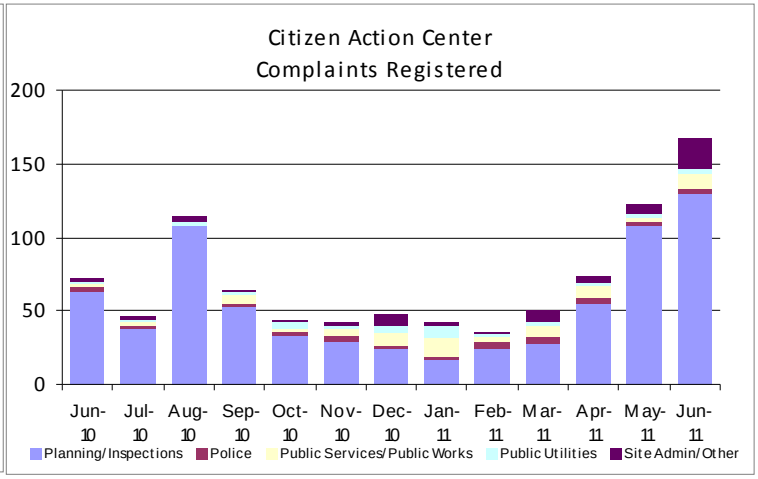
- Completed award of the Street Program and the North Street Roundabout project .

Public Utilities

- The Energy Innovator Award for the Dover Sun Park was accepted at the American Public Power Association awards ceremony in Washington, DC.

PUBLIC AFFAIRS





AVERAGE TIME TO CLOSE COMPLAINTS RECEIVED - June 2011

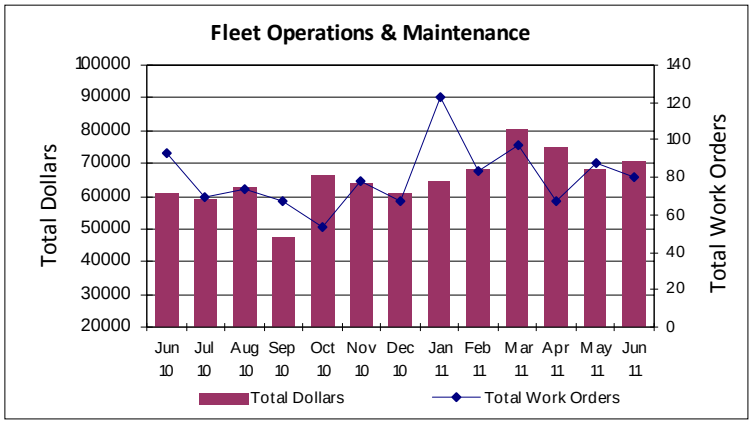
Department	Total # Complaints	# Of Days
Planning/Code Enforcement (property code violations)	129	4.3 days
Police (community policing)	5	2.7 days
Public Services - Grounds - Sanitation - Streets	 3 2 4	2.8 days
Public Utilities (electric outages)	4	1.6 days
Site Admin/Other Departments	21	1.2 days

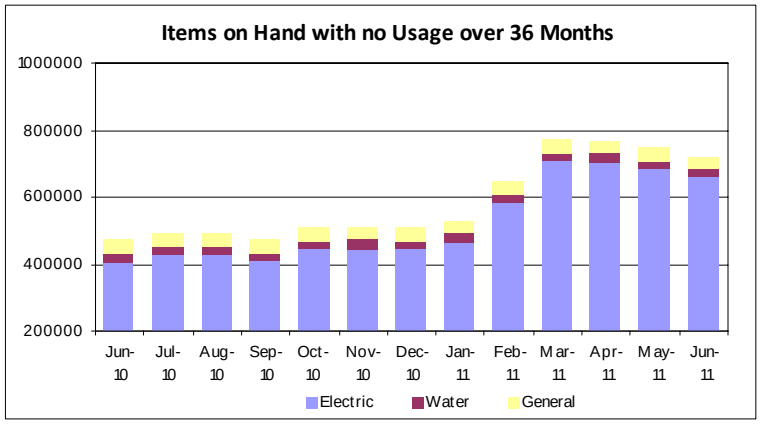
COMMUNITY OUTREACH, TRAINING AND EDUCATION EVENTS - JUNE 2011

- Received $1000 from Sam's Club, purchased 100 box fans Lowe's to give away to elderly and disabled in the community
- Youth Advisory Meetings; Planning Dover Youth Fun Day on July 30, 2011.
- Continued working with Delaware.net on the redesign and content of the website.
- Continued staff training on how to upload and design departmental pages for the new website.
- African American Festival
- Continued fund raising efforts for our Friendship City, Iwanuma, with over $7,000 in funds raised
- Extensive Public Outreach and media releases for road closures, trash/recycling changes, sewer relining, etc.

OTHER ACTIVITIES	JULY 10	AUG 10	SEPT 10	OCT 10	NOV 10	DEC 10	JAN 11	FEB 11	MAR 11	APRIL 11	MAY 11	JUNE 11	YTD
Facebook - New Posts	21	26	54	41	52	59	57	38	42	37	34	29	453
Facebook - Page Views	716	1,004	1,145	1,152	1,671	1,768	1,882	1,903	2,114	2,206	2,217	2,276	20,054
Facebook - Replies to questions	17	37	21	23	21	27	21	16	19	11	12	16	241
Press Releases	16	9	16	5	2	3	4	3	5	4	6	16	679
Ceremonial Documents Proclamations, Certificates, letters of welcome)	25	16	26	19	17	16	15	12	17	20	19	18	220

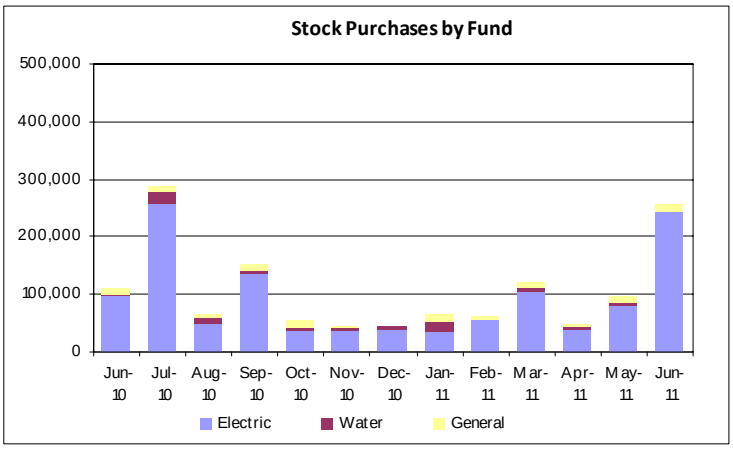
CENTRAL SERVICES

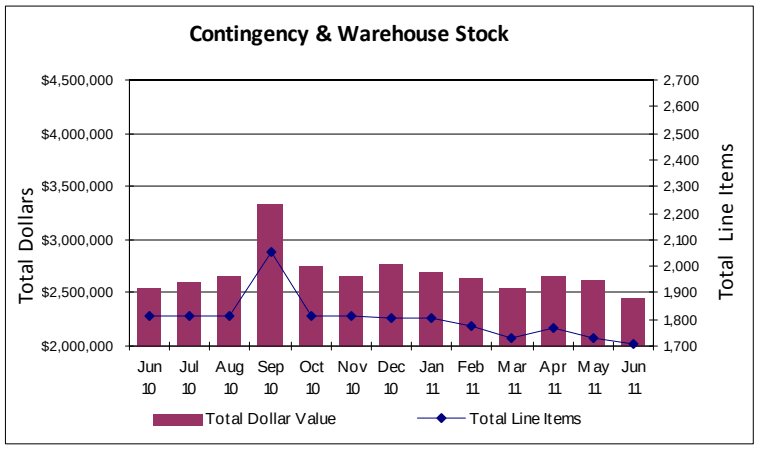




Work Orders: 80
Fleet Maintenance: $ 9,251,84 excludes Melvin's Sunoco)
Fuel: $61,344.43 (19,126 gallons)

Electric: $660,208.87
Water: $ 25,530.07
General: $ 36,053.96





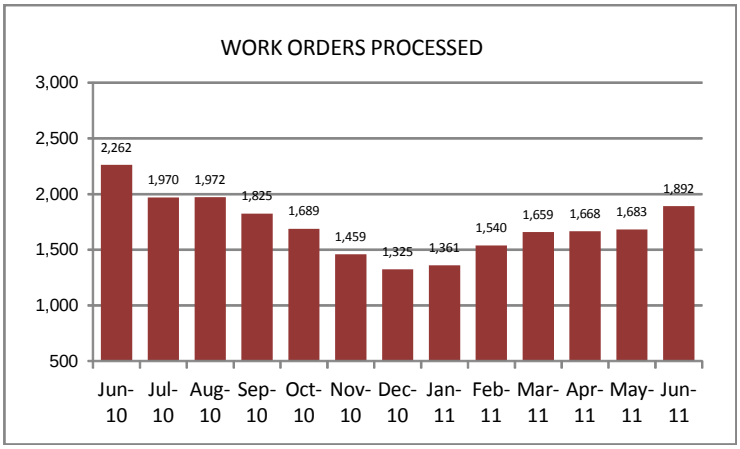
Electric: $242,246.42
Water: $ 1,038.37
General: $ 13,753.83

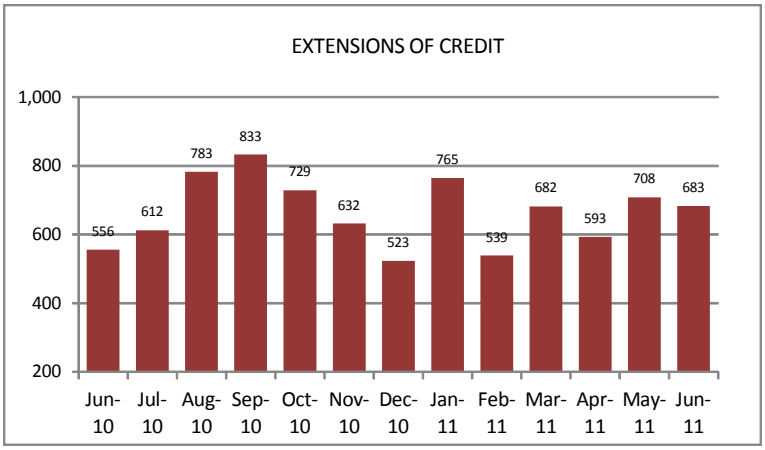
Total Dollar Value: $2,444,678.85
Total Line Items: 1,710

Major Program Updates

MEASURE	JUNE 2011	JUNE 2010	DIFFERENCE
Issue Effectiveness (>90%) *How often the warehouse has what customers need when it's needed. [issues / (issues + back orders)] * 100*	99.2%	99.3%	-0.14%
Turn Over Rate (4-5 per yr.) *Indicates that the material stocked is the material being used.*	1 every 7.6 years	1 every 5.6 years	1.9 years
Bids for non-inventory items converted to purchase orders within timeframe *(Quantity and Percentage)*	11 of 12 Bids 91.7%	7 of 7 Bids (FY10 Total) 100%	-8.3%
Sealed bids prepared, received & distributed within 7 working days of receipt *(Quantity and Percentage)*	37 of 39 Bids 94.9% FYTD	36 of 38 Bids (FY10 Total) 94.7%	0.2%
Scheduled Preventative Maintenance appointments being kept. *(Quantity and Percentage)*	24 of 28 appointments kept 85.7%	37 of 39 appointments kept 94.8%	-9.16%
Mail receiving lowest discounted rate *(Quantity and Percentage)*	338,021 pieces 96.8%	399,185 pieces (FY10 Total) 95.9%	0.89%
Routine work orders completed within 5 days *(Quantity and Percentage)*	39 work orders completed 95.1%	26 work orders completed 92.8%	2.26%
Emergency work orders completed within 2 days *(Quantity and Percentage)*	9 work orders completed 100%	3 work order completed 100%	-

CUSTOMER SERVICES





Write-Offs / Electric & Trash Bills

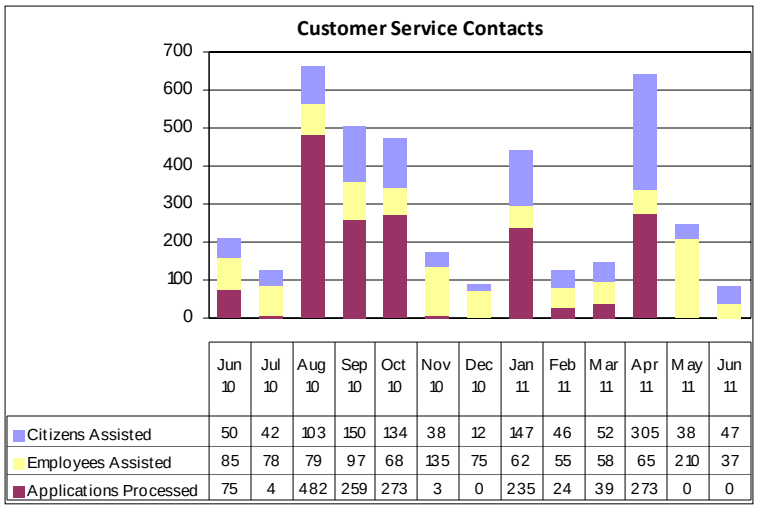
The electric write-off for outstanding electric bills with dates ranging mainly from April 2009 until June 2009 . The proposed write-off of $40,573.24 includes $3,500.68 from accounts that filed for bankruptcy. The $40,573.24 is the fourth write-off for Fiscal 2011 and is .17 percent of the revenue ($24,476,108) for the write-off period. In other words, the City collected 99.65% of all bills for the write-off period. For every $100 dollars of revenue the City billed in the write-off period, $0.17 was not collected.

The trash write-off for outstanding trash bills with dates ranging mainly from January 2009 until March 2009. The proposed write-off of $1,006.52 includes $32.64 from accounts that filed bankruptcy. The $1,006.52 is the fourth write-off for Fiscal 2011 and is $0.33 percent of the revenue ($306,104) for the write-off period. In other words, the City collected 99.54% of all bills for the write-off period. For every $100 of revenue the City billed in the write-off period, $0.33 was not collected.

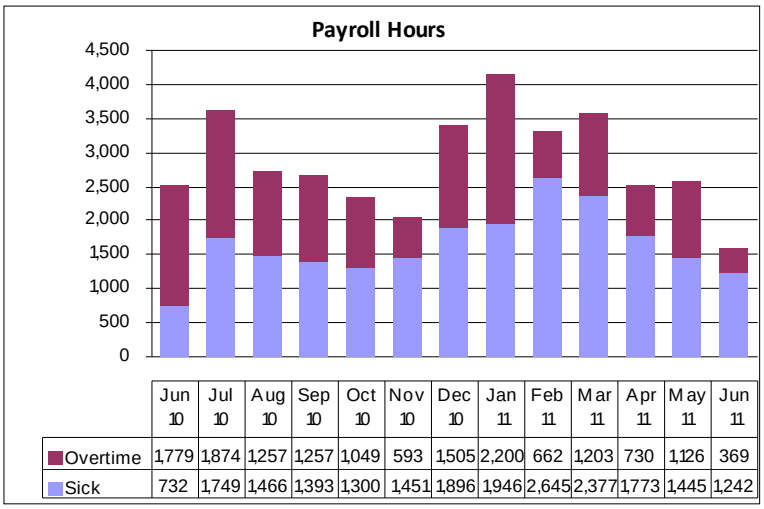
According to the APPA, the industry standard for collections among publicly held utilities of similare size is 99.74% of total electric revenue. The accounts are currently assisgned to our collection agency and will remain there even when they have been written off. A complete list of accounts is available upon request.

Major Program Updates	Jun 2011	Jun 2010	Difference	FY 2011 Year-to-Date	FY 2010 Year-to-Date
Number of Customers Served	22,450	22,519	(69)	291,105	284,103
Final Bills	715	902	(187)	7,803	7,705
Estimated Bills	135	157	(22)	1,674	1,725
Penalties Posted	$ 27,079	$ 15,919	$ 11,160	$ 260,554	$ 216,565
Extensions of Credit - Amount Extended	$ 211,316	$ 144,444	$ 66,873	$ 2,437,106	$ 1,856,639
Balance Transfers	$ 911	$ 6,625	$ (5,714)	$ 28,704	$ 119,625
Utility Collections	$ 22,217	$ 31,741	$ (9,523)	$ 280,399	$ 327,783
Special Assessments	$ 345	$ 365	$ (20)	$ 9,284	$ 34,571
Miscellaneous Billings	$ 243,292	$ 176,182	$ 67,110	$ 1,782,965	$ 1,513,980
CNP through Disconnect Collars	8	9	(1)	102	128
Court Cases	-	-	-	-	-
Tamperings	4	3	1	43	38
Taxes Levied	$ 414,055	$ -	$ 414,055	$ 3,319,866	$ 9,821,008
Billing Adjustments	$ 35,391	$ 28,731	$ 6,660	$ 67,576	$ 121,638
Total Taxes Collected	$ 48,410	$ 77,674	$ (29,264)	$ 324,051	$ 9,626,526
Taxes Outstanding	$ 330,254	$ 245,810	$ 84,444	$ 2,933,440	$ 243,037
Payments in Lieu	$ -	$ 1,500	$ (1,500)	$ 7,500	$ 18,000
Billing Accuracy (on schedule billings)	99.0%	99.9%	-	99.0%	99.9%
Bills Published on Schedule	99.9%	99.9%	-	99.9%	99.9%
Meters Read on Schedule	99.9%	99.9%	-	99.9%	99.9%
Customer Satisfaction Rating	99.9%	99.7%	-	99.7%	99.7%
Deliquent Accounts Collected	99.7%	99.7%	-	99.7%	99.7%

HUMAN RESOURCES



	Jun 10	Jul 10	Aug 10	Sep 10	Oct 10	Nov 10	Dec 10	Jan 11	Feb 11	Mar 11	Apr 11	May 11	Jun 11
Citizens Assisted	50	42	103	150	134	38	12	147	46	52	305	38	47
Employees Assisted	85	78	79	97	68	135	75	62	55	58	65	210	37
Applications Processed	75	4	482	259	273	3	0	235	24	39	273	0	0



	Jun 10	Jul 10	Aug 10	Sep 10	Oct 10	Nov 10	Dec 10	Jan 11	Feb 11	Mar 11	Apr 11	May 11	Jun 11
Overtime	1,779	1,874	1,257	1,257	1,049	593	1,505	2,200	662	1,203	730	1,126	369
Sick	732	1,749	1,466	1,393	1,300	1,451	1,896	1,946	2,645	2,377	1,773	1,445	1,242

Category	June 10	July 10	Aug 10	Sept 10	Oct 10	Nov 10	Dec 10	Jan 11	Feb 11	Mar 11	Apr 11	May 11	June 11	Total
Caucasian*	315	314	314	315	319	312*	311	313	314	315	316	316	313	N/A
Minorities*	63	62	62	62	62	61*	61	61	61	61	63	63	63	N/A
Hired	2	-	2	1	4	1	-	2	1	1	5	1	-	17
Terminated/Resigned/ Retired	1	2	2	1	-	3	1	-	-	-	2	1	2	15
Promoted	-	1	-	-	-	-	-	-	-	-	-	-	-	1
Jobs Posted	-	2	3	4	1	-	-	3	-	1	3	-	-	17
Workers Comp. Injuries	8	5	6	3	5	2	5	7	2	2	5	5	5	60
Workers Comp. Hours	123	11	9	-	24	65	42	360	445	336	438	50	46	1,949
Insurance Claims	10	8	2	8	3	4	8	3	3	6	8	2	5	70

Full-time Employees: 361 **Part-time Employees: 15** (4 Pitts Center, 1 Recreation, 10 Library)

Numbers do not reflect, temporary, seasonal, relief fire dispatchers, committee or council members. * Total full-time, Caucasian and Minority employees were adjusted due to an audit of employee information.

Retired: Central Services Director and Field Supervisor I (Streets)

Resigned: Human Resources & Safety Coordinator

Recruitment Information

Position	Total	Female	Male	Black	White	Hispanic	Asian/Pacific Islander	American Indian/Alaskan Native	Unknown	In Dover	Out Dover
NO POSITIONS POSTED	-	-	-	-	-	-	-	-	-	-	-

HUMAN RESOURCES
continued

Unfilled/Open Positions by Department

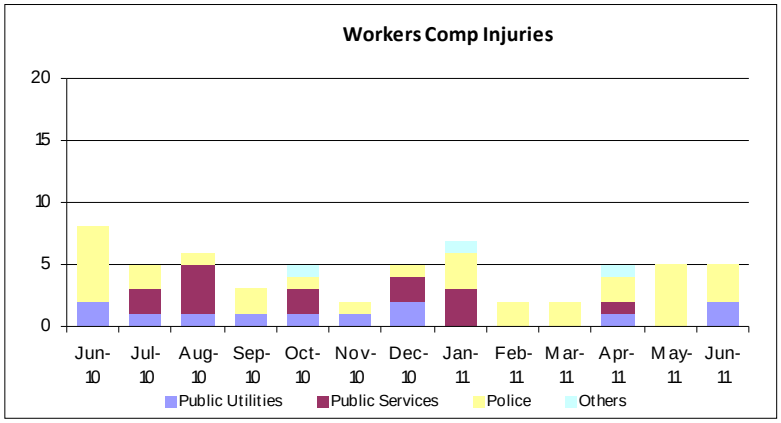
Unfilled/Open Positions By Department	Jun 10	July 10	Aug 10	Sept 10	Oct 10	Nov 10	Dec 10	Jan 11	Feb 11	Mar 11	Apr 11	May 11	Jun 11
Public Utilities	12	5	3	3	3	4	4	4	4	3	3	2	2
Public Services	4	1	2	2	2	1	2	1	1	1	1	2	3
Police	3	2	2	2	2	3	3	2	2	2	-	-	-
All Other Departments	12	5	6	6	3	4	4	4	3	3	4.5	4.5	7.5
Totals	**31**	**13***	**13**	**13**	**10**	**12**	**13**	**11**	**10**	**9**	**8.5**	**8.5**	**12.5**

City Manager on terminal leave included in All Other Departments. Custodian is vacant however filled with PT employee. Position included in totals

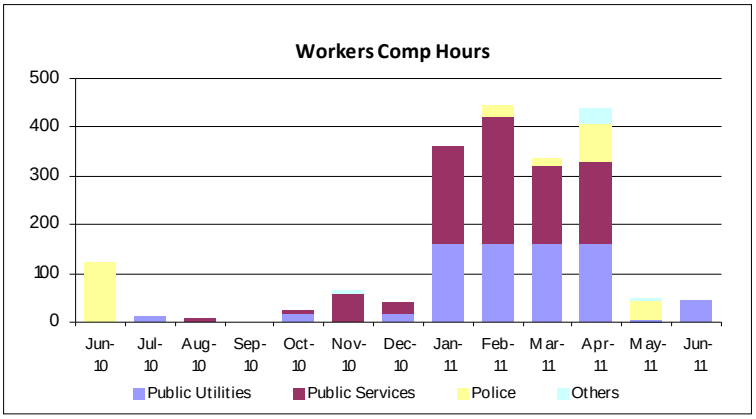
Public Utilities: Motor Equipment Operator II/Water (1) and Engineering Fieldman Crew Leader (1)
Public Services: Emergency Management Coordinator (1) and Motor Equipment Operator II– Grounds (1), Field Supervisor 1 - Streets
Police: N/A
All Other Departments: Library Page PT (1), Customer Service Clerk I (1), Custodian I (1), Programmer Analyst (1), & Sr. LAN Analyst (due to A. Siegel currently acting as IT Director), Central Services Director, Human Resources and Safety Coordinator and City Manager

Bonus Programs by Month

Bonus Program Category	Jun 10	July 10	Aug 10	Sept 10	Oct 10	Nov 10	Dec 10	Jan 11	Feb 11	Mar 11	Apr 11	May 11	Jun 11	Total
Stop Program-*Sensibly Taking Off Pounds(weigh-ins)*	42	42	29	10	5	13	7	-	27	17	6	21	-	219
Caught Doing it Right-*Promotes employees productivity & creativity (submissions)*	-	2	3	1	-	2	63	-	-	-	-	-	-	71
Breathe Program-*Rewards for ending tobacco use (submissions)*	1	-	-	-	-	-	4	-	-	-	-	-	-	5
Ducs in a Row-*Doing Useful Community Service (submissions)*	-	-	-	-	-	-	-	-	-	-	-	-	-	-

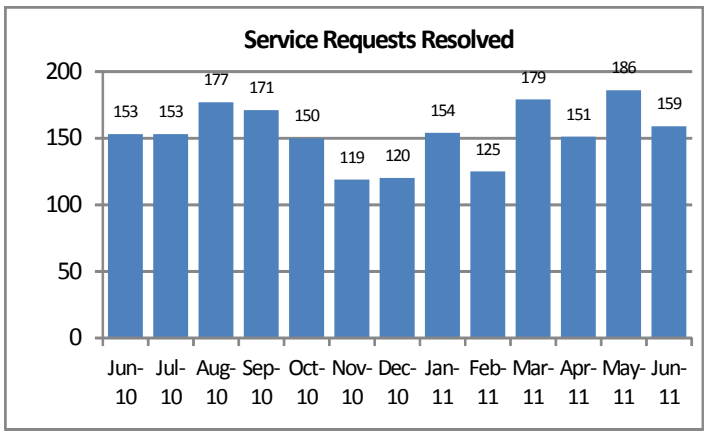


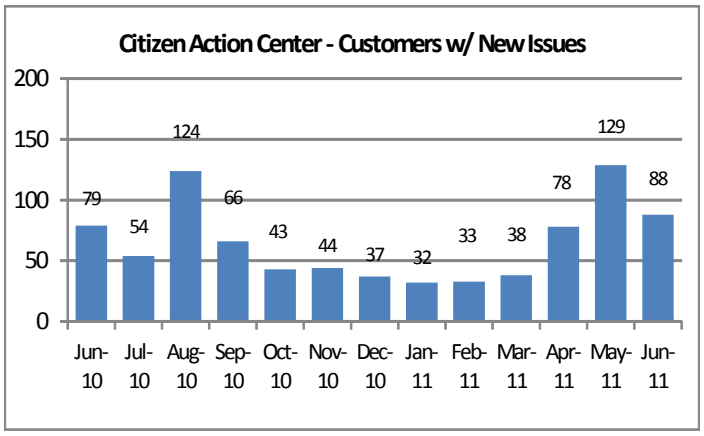
Public Utilities: 2 Public Services: 0 Police: 3 All Other Depts.: 0

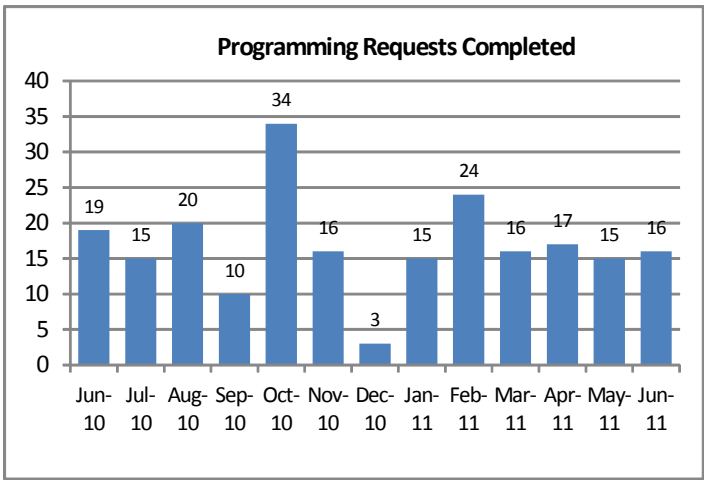


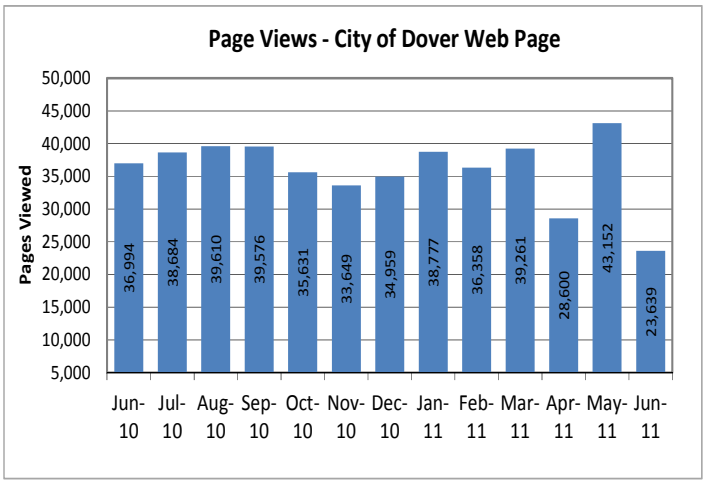
Public Utilities: 46 Public Services: 0 Police: 0 All Other Depts.: 0

INFORMATION TECHNOLOGY





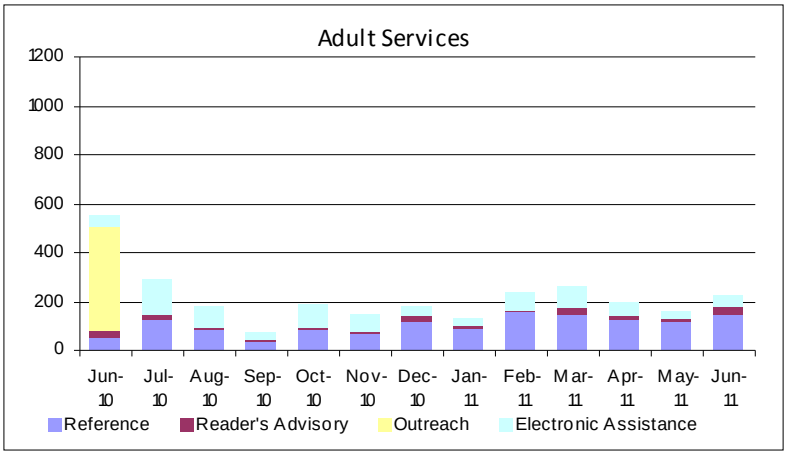


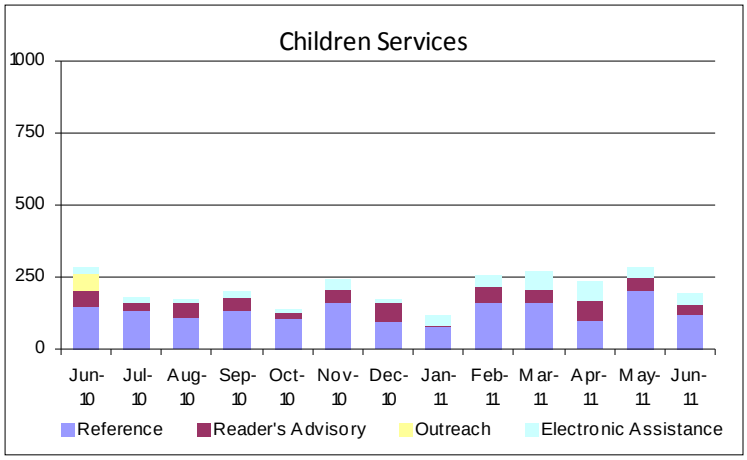


Performance Indicators	Current Month	Last Month	Same Month Last Year
iSeries Availability	100%	100%	100%
Server Availability	100%	100%	100%
AS/400 Connections (concurrent/authorized users)	N/A	N/A	N/A
PCs Supported	335	335	341
Scheduled PCs Replaced	-	-	-
Servers Supported	16	15	16
People Trained	28	13	35

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

Library





Reference: 150 Reader's Advisory: 31
Outreach: 0 Electronic Assistance: 46

Reference: 121 Reader's Advisory: 33
Outreach: 0 Electronic Assistance: 42

CIRCULATION	JUNE 2011	FYTD 2011	JUNE 2010	FYTD 2010
Dover Residents	17,663	201,768	17,535	183,253
Kent County Residents*	15,599	179,369	17,068	178,795
Non-County Residents	1,681	18,993	329	13,584
REGISTRATIONS				
Dover Residents	204	2,606	252	2,708
Kent County Residents*	113	1,107	108	1,574
Non-County Residents	6	109	8	175
OTHER				
Visiting Patrons	34,421	367,586	35,854	390,612
Meeting Room Usage	20	2,560	180	4,040
Photocopier Usage	1,926	18,847	1,761	20,102
Dial-A-Story	1,103	13,277	1,740	17,471
Computer Usage	4,475	52,846	4,430	55,397
Holds (Total)	7,289	80,484	8,463	71,243

***Breakout of Kent County Residential Statistics**

Circulation	Registrations
Harrington: 121	Harrington: -
Smyrna: 1,229	Smyrna: 9
Milford: 102	Milford: -
Outside City Limits: 14,147	Outside City Limits: 104

Total Registered Users: (Card Holders)

City: 18,821 Kent County: 14,220 Outside Kent County: 965

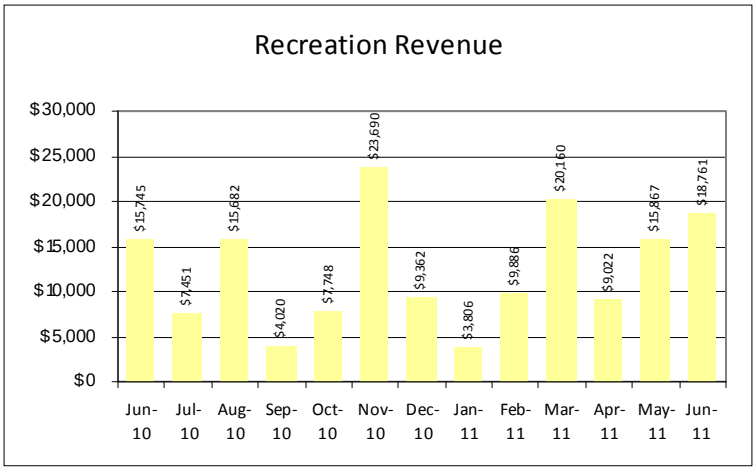
Other Points of Interest:

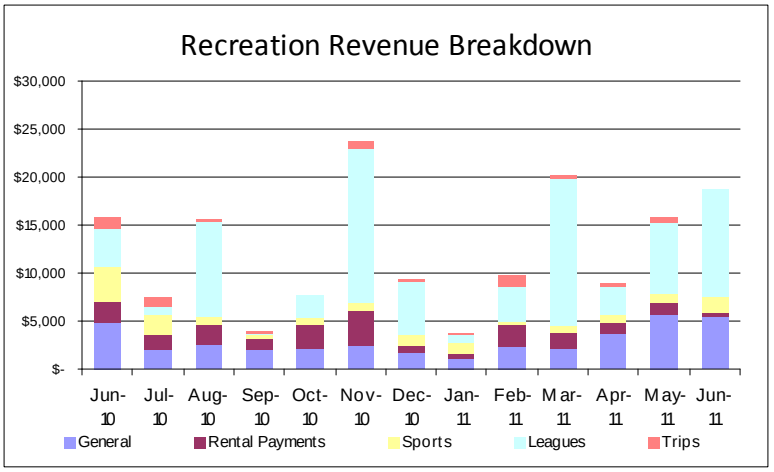
Interlibrary: 5,497 items loaned out
3,734 items borrowed

Technical services: 1,553 items added
2,471 items deleted

Volunteers: 249.5 hours of service completed

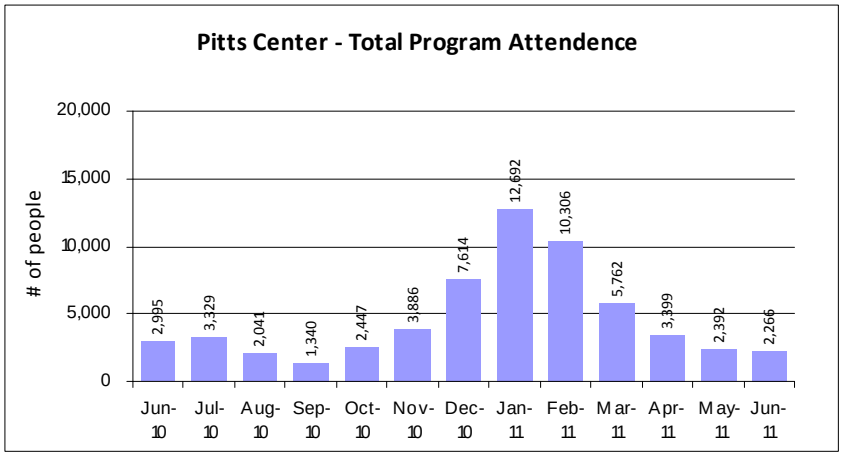
Parks and Recreation





General: $5,321 Rental Payments: $410 Sports: $1,680
Leagues: $11,350 Trips: $0

Rentals	JUNE 2011		FYTD 2011		JUNE 2010		FYTD 2010
Baseball/Softball Field Rentals*	37		231		33		227
Dover Park Pavilions (2)	16		48		13		31
Multipurpose/Field Hockey Field Rentals*	22		80		25		70
Recreation Center – Dover Park	31		210		39		167
Silver Lake Pavilions (2) / Schutte (1)	7		54		12		63
Soccer Field Rentals*	2		26		3		21
Stage – Mobile Platform	6		31		5		28
These numbers reflect groups that utilized our facilities during June 2011.							
Program Attendance*	**JUNE 2011**		**FYTD 2011**		**JUNE 2010**		**FYTD 2010**
Master Hip-Hop Dance Camp	2		4		*New for 2011*		
This number reflects activities that took place in June 2011. (Not included on the JWP report.)							



FREE Open Gym Registration Cards* - through 6/30/2011
Total Cards Issued: **4,370**
City Residents: 1,986 - (45%)
Non-City Residents: 2,380- (55%)
- Kent County: 1,956 - (44%)
- Sussex County: 148 - (4%)
- New Castle County: 102 - (2%)
- Out of State: 189 - (5%)

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

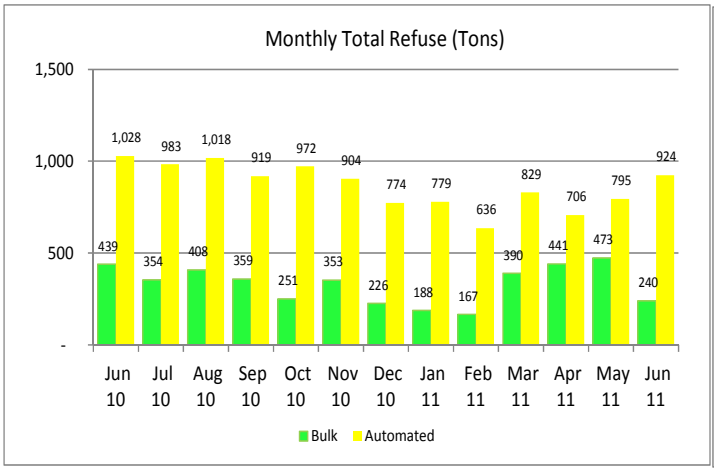
PUBLIC SERVICES

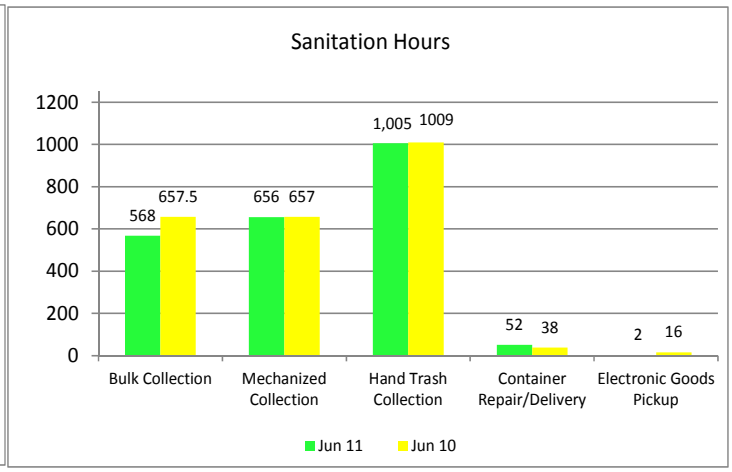
Administration

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

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

Sanitation





	JUNE 2011	FYTD 2011	JUNE 2010	FYTD 2010
Trips to DSWA Sandtown Landfill	208	2,663	296	2,950
Total Tonnage to DSWA	1,164.20	14,202.85	1,468.03	15,6962.73
90-Gallon Containers Delivered	16	290	46	345
300-Gallon Containers Delivered	3	53	-	41
Total Man Hours - Containers Delivered	51.5	669	38	441

CURBSIDE RECYCLING STATS	TOTAL # OF HOUSEHOLDS	TOTAL # OF ACCOUNTS	WEIGHT/LBS.	AVG. LBS.
JUNE 2011	17,729	7,959	271,460	15.31

STREETS	JUNE 2011	FYTD 2011	JUNE 2010	FYTD 2010
Signed Installed	28	298	19	251
Signs Repaired	6	235	7	152
Curbs Painted Yellow (Ft.)	595	27,638	532	2,810
New Post Installed	17	100	3	82
Storm Catch Basins Repaired	32	97	-	5
Storm Catch Basin Repairing (Hrs.)	32	408	-	44
Hot Mix Patching (Tons)	-	104	25	680
Hot Mix Patching (Hrs.)	-	353	134	1,249
Cold Mix Patching Hrs.)	162	679	88	528
Concrete Work (Hrs.)	496	1,045	162	783
Concrete Patching (Cubic Yards)	-	59	-	12
Street and Alley Maintenance (Hrs.)	176	1,894	153	1,681
Ditch Work (Hrs.)	-	65	-	22
Street Sweeping (Miles)	1,969	13,361	1,837	11,973
Street Sweeping (Cubic Yards)	282	2,845	312	2,717

GROUNDS - Arborist Crew	JUNE 2011	JUNE 2010
Trees Trimmed	104	28
Trees Removed	25	13
Root Pruning	6	-

- Trimmed back growth from the sidewalk that does through Woodcrest to Dover High School.
- Applied 6 gallons of herbicide in Loockerman Street alley.
- Assisted mowing crew when needed.

Beautification Crew

- Planted the last of the 44 annual beds.
- Planted annuals and perennials in the 17 large containers on Loockerman Street in the downtown business district.
- Hung the last of the 77 hanging baskets and continued watering them every other day.
- Cleaned up Constitution Park landscape including trimming 6 American Holly trees, assorted shrubs and ground cover.

Mowing/Special Projects Crew

- Mowed all 240 acres of turf including parks, around City buildings, ditches and right-of-ways.
- Moved field hockey goals at Schutte Park.
- Applied 51 gallons of herbicide at the City Warehouse, Silver Lake Park, North Street pole lot, Electric Administration, Fire Stations 1 & 2, and Park Drive.
- Assisted with mowing the containment ditches around the fuel tanks at the Power Plant and at the Van Sant turbine with the boom axe tractor and line trimmers.
- Made yard repair at 278 Gunning Bedford Drive for Public Utilities.
- Performed maintenance at Dover PD including trimming one tree to clear security camera, 6 trees to clear air conditioner and all shrubs around the building and on the parking lot islands.
- Trimmed shrubs at the J.P. Court building, the Fireman's Memorial, and at the well site at Dover Street.

Economic Development

UNEMPLOYMENT RATES	JUN 10	JUL 10	AUG 10	SEP 10	OCT 10	NOV 10	DEC 10	JAN 11	FEB 11	MAR 11	APR 11	MAY 11	JUN 11
City of Dover	10.2%	9.8%	10.2%	10.1%	10.3%	10.1%	9.4%	10.0%	9.6%	9.5%	9.0%	8.9%	Pending
National & State averages (US-9.1% & State-8.0%) Source: State of Delaware Department of Labor													

TYPE	YTD Contacts Made
Small Businesses	12
Out-of-town Companies	10

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

- An update on the status of the Dover Sun Park was provided to the residents of Wild Meadows.
- Staff coordinated a meeting with the president of the Delaware region of M&T Bank, the vice-president of Client Services, Mayor Carey and Councilman Leary to discuss the bank's plans for Delaware in general and Dover in particular.
- Support materials were provided to the Kent County Legislative Delegation on the costs associated with infrastructure development at the Garrison Tract. Matching funds of up to $3 million were included in the 2012 Bond Bill for this project.
- An Australian TV crew was given a tour of the Dover Sun Park. DNREC Secretary Colin O'Mara was interviewed during the visit.
- Meetings continue with DEDO Secretary Alan Levin to share information and updates on projects that can benefit Dover.
- Staff also met with Jeff Stone of DEDO regarding tax increment financing in relation to the Garrison Tract.

Downtown Dover Partnership

- Plans for the re-development of ACME site have been submitted for review/approval to the Historic District Commission, the Planning Commission, and the Parks & Recreation and Community Enhancement Committee.
- Proposed renovations to the DDP building at 22-24 Loockerman Street are under review by the Planning Department. $3 million is allocated in the 2012 Bond Bill for improvements to North Street between Governor's Avenue & Federal Street.
- Staff worked with the Planning Department to complete an update of the Historic District Tax Incentives brochure.
- Grand-opening of the Beehive Beauty Shop was held and staff provided support and publicity for the United Way of Delaware's National Day of Action and the mentor recruitment initiative.
- Ed Perez was recognized, by the US Small Business Administration, as the Delaware Financial Services Champion of the Year.

Life Safety

Inspections	JUNE 2011	FYTD 2011	JUNE 2010	FYTD 2010
Fire Protection Inspections (new & existing)	77	849	43	472
Fire Code Inspections	177	1,177	14	743
Inspection Deficiencies	174	1,329	19	880
Certificate of Occupancy	10	64	7	82
Non-Inspection Hours				
Office	93.5	1,281.5	56	1,143
Meetings	40	535	23	426
Plan Review	36	471	10	511
Training	88	572	46	534
Fire Investigations	33	268	97	434
Damage Cost				
Accidental	$ 303,800	$ 445,150	$ 3,500	$ 388,800
Incendiary	$ 20	$2,605,520	$ -	$ 142,800
Undetermined	$ 100	$ 22,700	$1,000,000	$1,053,000

Permitting and Inspections

Permits Issued	JUNE 2011	FYTD 2011	JUNE 2010	FYTD 2010
Administrative Permit	2	19	2	25
Building Addition/Renovation Permits	40	497	64	500
Building Permits	25	175	7	112
Demolition Permits	1	39	3	41
Fence Permits	6	100	5	92
Fire Prevention Permits	9	96	11	93
Mechanical Permits	33	311	45	399
Plumbing Permits	20	433	39	758
Sign Permits	29	269	14	266
Swimming Pool Permits	8	14	4	9
Licenses Issued				
Business Licenses	846	2,616	662	2,124
Merchant Licenses	97	384	88	387
Contractor Licenses	367	1,270	261	1,083
Lodging House Licenses	-	48	-	45
Mobile Homes	104	352	183	455
Public Occupancy	4	393	6	354
Rental Dwelling	34	2,882	45	2,874

Building Inspections

Permits Issued	JUNE 2011	FYTD 2011	JUNE 2010	FYTD 2010
Building	447	4,422	396	4,451
Plumbing/Mechanical	374	4,528	564	3,875
Certificate of Occupancy	17	272	28	250

Geographic Information Systems (GIS)

- Working with ESRI for the ArcGIS for Local Government Initiative.
- Modification of existing Water and Sewer maps.
- Created an updated address list for Dover Fire and Police Departments.
- Updated curbside recycling layer with new recycling customers.
- Created and printed several maps and poster for Downtown Dover Development Office.

Dangerous Building/Demolition Status – June 2011

66 Washington Street (Complete - No Further Action Required)

- Declared dangerous by City Council on October 12, 2009.
- Building permit obtained by property owner on February 5, 2010 and expired on August 5, 2010 with no inspections scheduled or completed in relation to the building permit.
- City will proceed with notifying property owner of our intent to conduct an asbestos survey and abatement and will secure bids for demolition.
- Demolition bids were received on December 7, 2010. Low bid authorized by City Manager.
- Demolition was completed in February 2011. Paperwork to place lien on the property has been forwarded to Administrative Services. Total cost was $8,376.85.

715 Slaughter Street (Complete - No Further Action Required)

- Declared dangerous by City Council on May 24, 2010.
- Asbestos survey & report completed on October 1, 2010.
- Asbestos abatement and removal completed on October 7, 2010.
- Bids received on October 13, 2010.
- Public Service Manager is awaiting receipt of bids from the City's Contract and Procurement Manager. Low bid from Sunnyfield Contractors in the amount of $2,950.00 approved by City Manager on October 19, 2010.
- Demolition was completed in November 2010. Paperwork to place lien on the property has been forwarded to Administrative Services. Total cost was $7,598.75.

628 N. West Street (Complete - No Further Action Required)

- Pool declared dangerous by City Council on August 23, 2010.
- Demolition quotes received on October 12, 2010.
- Low quote is currently being reviewed. Low bid from Sunnyfield Contractors in the amount of $3,900.00 has been submitted to the City Manager for Authorization to Purchase.
- Demolition was completed in November 2010. Paperwork to place lien on the property has been forwarded to Administrative Services. Total cost was $3,900.00.

749 West North Street (Complete - No Further Action Required)

- Declared dangerous by City Council on October 25, 2010.
- Asbestos survey was conducted in December 2010.
- Asbestos abatement was completed in January 2011.
- Demolition bids received in January 2011.
- Demolition was completed in February 2011. Paperwork to place lien on the property has been forwarded to Administrative Services. Total cost was $15,780.34.

301 South Governors Avenue (Complete - No Further Action Required)

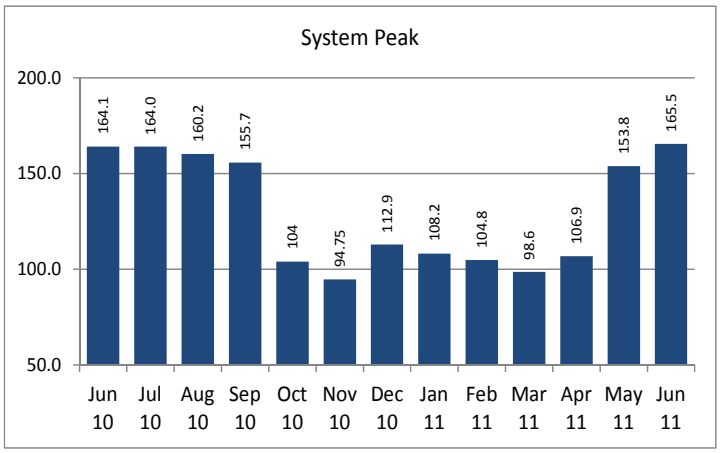
- Declared dangerous by City Council on October 25, 2010.
- Asbestos survey was conducted in December 2010.
- Asbestos abatement began in late January 2011.
- Demolition bids received in January 2011.
- Demolition was completed in February 2011. Paperwork to place lien on the property was forwarded to Administrative Services on April 14, 2011. Total cost was $33,138.85.

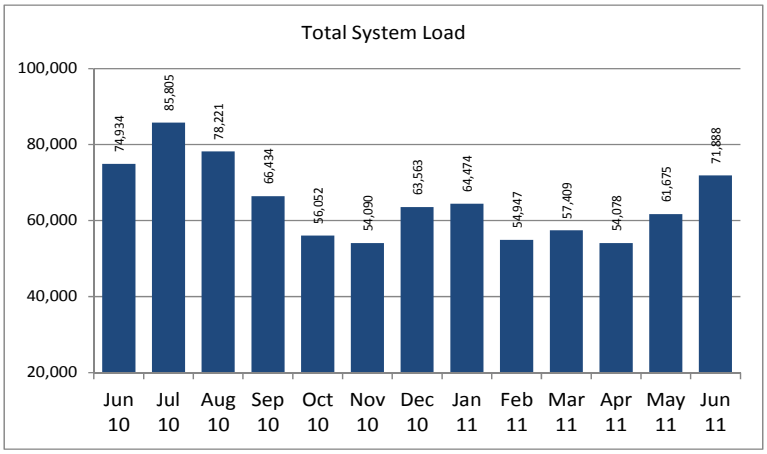
35 North New Street (Complete - No Further Action Required)

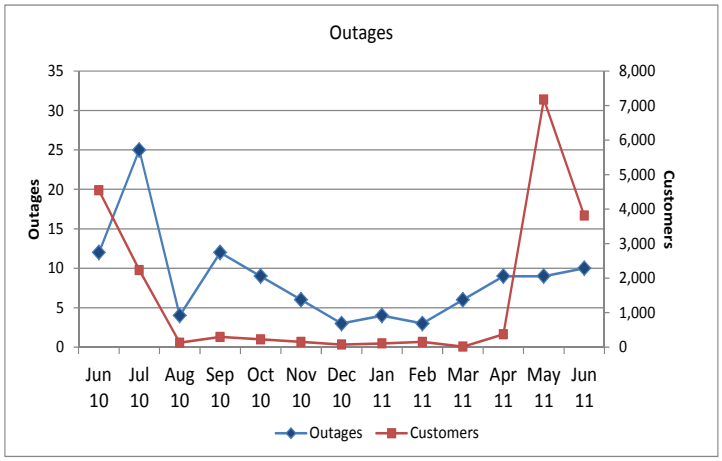
- Declared dangerous by City Council on November 22, 2010.
- Asbestos survey conducted on January 19, 2011.
- Demolition bids were received in January 2011.
- Asbestos abatement scheduled for February 3, 2011.
- Demolition was completed in February 2011. Paperwork to place lien on the property was forwarded to Administrative Services on April 14, 2011. Total cost was $12,977.50.

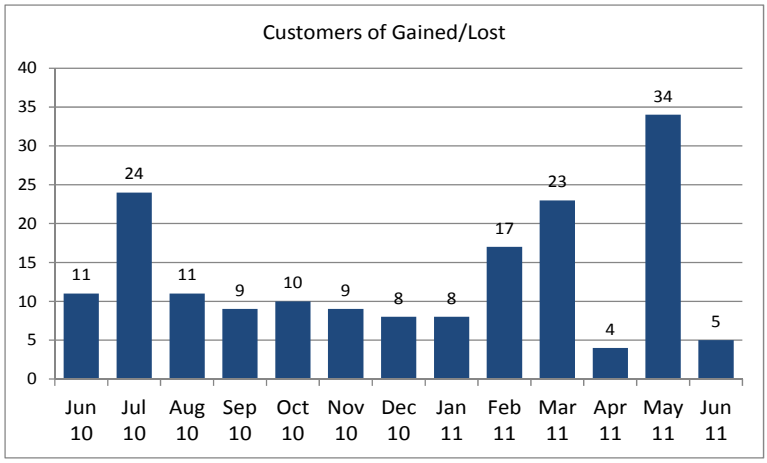
PUBLIC UTILITIES

Electric









Outages: 10 Customers: 3,811

Electric Monthly Outage Report

The annual outage goal will be less than 295 minutes per customer, which is a Delaware Standard. This will be measured by calculating the System Average Interruption Duration Index.		
FY 11 YTD	**FY 10**	**FY 09**
63.78	160.14	155.17

Controllable Outages *Annual goal is less than 40*		**Average Response Time** *Goal is less than 30 minutes*	
Month	**Year-to-date**	**Month**	**Year-to-date**
4	42	20.00 Minutes	39.27 Minutes

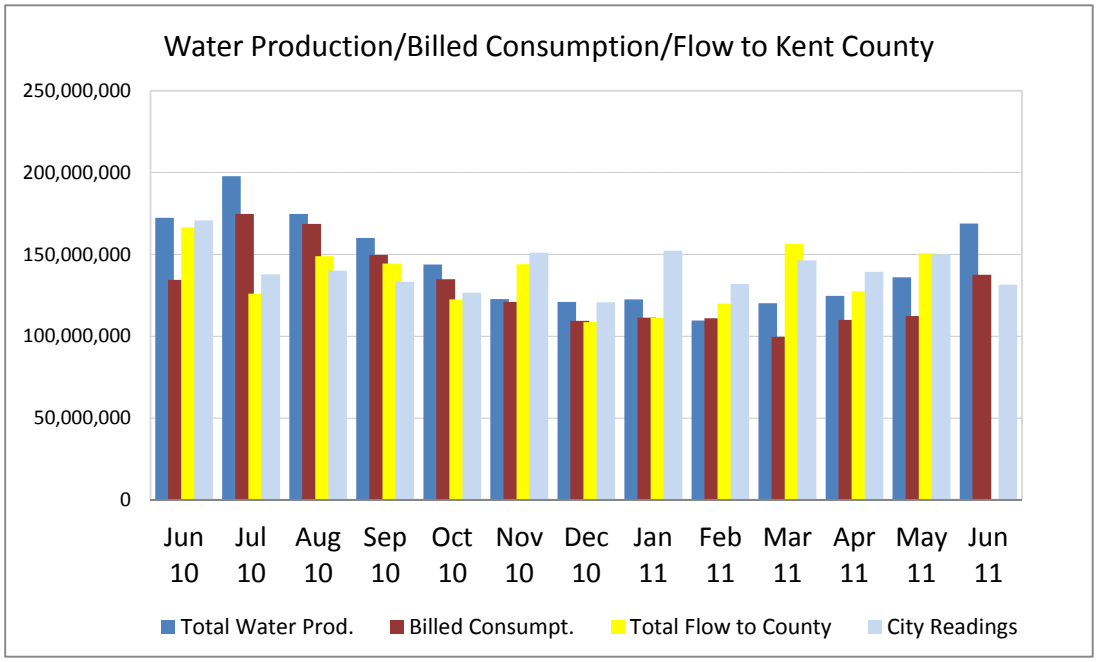
Electric Engineering Design

Major Program Updates	JUNE 11	JUNE 10	DIFF	FY11 YTD	FY10
Extensions Design Completed Within 30 days of complete Submission	0	0	-	0	0

New Underground Installation	% Completed	New Underground Installation	% Completed
• Kent General Hospital	*Ongoing*	• Farthing Woods	Ongoing
• Crossgates Development	*100%*	• Buchanan Acres	100%

PROGRAM UPDATES	JUNE 11	JUNE 10	FY11 YTD
Tree Trimming	194	209	2175
Number of Oil Releases	-	2	5
Lost Time Accidents – All Electric Utility Divisions	-	-	-
New Services	5	52	161

Water/Wastewater



ENGINEERING SUMMARY

Major Program Updates	JUNE 11	JUNE 10	DIFF	FY11 YTD	FY10
State and Federal Violations	0 violations	0 violations	-	-	-
Water Quality Complaints	8	7	4	121	249
Plan Review Completed Within 30 days of Submission	14 plans 100%	10 plans 100%	-4	97%	95%
Field Inspection Response within 48 hours of Request	94.74%	100%	-	99.52%	100%

Major Goals Completed in the Past Two Months
✓ Loockerman Street water main installation is complete.

OPERATIONAL SUMMARY

Task	JUNE 11	JUNE 10	Current FY
Water Production – Daily Average	5,626,733	5,743,767	1,699,562,000
Average Field Response Time (goal is < 30 minutes)	22	23.4	19.9
Water Mains Repaired	-	1	22
Water Service Lines Repaired	3	3	23
Wastewater Mains Repaired	-	1	11
Wastewater Service Lines Repaired		0	14
Sewer Lines Flushed – Linear Feet	104,202	135,067	961,177
Percentage of Flow Sent to Kent County vs. Gallons Billed *(inflow/Infiltration monitoring)*	144%	135%	119%
Total Water Meters in City Distribution System	13,940	13,827	112
Lost Time Accidents – All Water/Wastewater Divisions	1	-	3

CITY PLANNER'S MONTHLY REPORT

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

June 2011

PERSONNEL

On June 9, 2011 Ann Marie Townshend, Tim Taraila, Ron Coburn, Ed Graves, and David McGinnis attended Healthy Homes training offered by Johns Hopkins University and the Delaware Division of Public Health.

On June 21, 2011 Dawn Melson-Williams attended ADP Training with regards to implementing the new payroll system.

On July 29, 2011 an APA Audio/Web Conference entitled "2011 Planning Law Review" was attended by Dawn Melson-Williams, Janelle Cornwell, Ann Marie Townshend and Michael Albert which was held at the Kent County Administration Building. It was co-sponsored by the Kent County Planning Office and the Delaware Chapter of APA (American Planning Association).

EDEN HILL FARM TND

- Permits for a series of six townhouse dwelling units on Ridgely Boulevard were approved in late June. These are 3 story units with integral rear entry garages that are part of the new Composer Series (Mozart, Beethoven, and Strauss) design styles for townhouses by Ryan Homes. For the Residential District of Eden Hill Farm Traditional Neighborhood Design a total of 53 dwelling units are complete of the 59 permits approved for dwelling units.
- In June, there was no specific activity associated with the Professional Office, Medical & Financial District.
- For the Neighborhood Commercial District, no plan submissions (Check Prints) have been received since the Planning Commission's action on the Revised Implementation Plan (Revision #2-Updated Plan of October 1, 2010) in October.

COMPREHENSIVE PLAN IMPLEMENTATION

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

- The draft text amendment for the application processing provisions of *Zoning Ordinance*, Article 10 began the formal review process in June. On June 13th it was reviewed at the Legislative, Finance and Administration Committee. On June 27th City Council completed the First Reading and set the public dates of July 18th with the Planning Commission and August 8th with the City Council.
- Planning Staff is participating in the meetings associated with the Dover/Kent County MPO Bike Plan Study.

Other Activities

New Dover High School Project (C-10-05) - The Planning Office completed review of the Check Print for the Administrative Site Plan for Phase 1A (Bid Pack A) and issued comments on June 10th. Phase 1A consists of initial water and sewer utility work including a pump station and also the first phase of site landscaping. Preliminary Construction activities related to utilities began in June. The first monthly progress meeting on the Dover High School project was held on June 8th with Planning Staff, Public Works Staff, and Public Utilities

Staff meeting with the district's design professionals and DelDOT staff. Meeting was very beneficial in providing an update on project status and schedule along with identifying a series of questions/requirements associated with project activities to be addressed. These meetings will continue.

Following review by Staff, the Final Site Plan was granted and the construction activities commenced for the following Capital School District projects: Professional Development Offices & Maintenance Facility located on Commerce Way and Site Improvements to William Henry Middle School/Booker T. Washington Elementary School.

PERMITTING AND LICENSING REVIEW

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

Permits Reviewed (Issued)	Jan-11	Feb-11	Mar-11	Apr-11	May-11	June-11	Permits Reviewed YTD 2010	Permits Reviewed YTD 2011
Building Additions/Renovations Permits	12	13	24	36	29	42	148	156
Building Permits	2	3	10	11	7	6	50	39
Demolition Permits	3	6	2	3	11	1	17	26
Fence Permits	5	2	14	14	18	5	44	58
Sign Permits	9	4	6	10	11	12	57	52
Temporary Sign Permits	2	6	9	3	11	7	35	38
Swimming Pool Permits	0	0	1	0	3	8	8	12
Certificate of Occupancy	11	9	22	17	20	17	84	96
Total # Permits Reviewed (Issued)	**44**	**43**	**88**	**94**	**110**	**98**	**443**	**477**

CODE ENFORCEMENT

Case Type	# cases current month	# cases YTD	% staff initiated current month	% staff initiated YTD
No valid rental permit	11	134	100%	99%
No valid building permit	11	30	82%	77%
Tall grass and weeds	36	317	42%	66%
Unregistered vehicle	2	17	50%	76%
Abandoned vehicle	11	61	64%	62%
Annual Housing Inspection	39	381	92%	98%
Property Maintenance – Exterior	50	278	38%	56%
Electric Termination	30	135	87%	93%
Dover Code of	32	259	75%	61%

Ordinances				
Zoning	7	59	71%	58%
Total Cases	**229**	**1671**		
Total # of Inspections	**457**			

COMMUNITY DEVELOPMENT

CDBG FY10 PROJECTS

Habitat for Humanity
The property at 101 Jefferson Court purchased by Habitat for Humanity has been fully renovated and sold to a low income family on February 23rd.

First State Resource Conservation & Redevelopment Council (RC &D)
Emergency repairs have been completed on 18 homes in the City of Dover. Project is completed.

Homeownership Assistance Program
Two clients have purchased properties in the City of Dover and two (2) families are mortgage ready shopping for homes.

Connections Community Support Program
Thirty-two homeless individuals received motel vouchers for temporary housing during the program year. Project is completed.

Housing Rehabilitation Program
All environmental and historical reviews have been completed. The following properties are scheduled to go to bid in early July: 806 Forest Street, 122 Davis Circle and 839 Paul Street.

Neighborhood Stabilization Program (NSP)
The city was awarded $1,426,740 for the acquisition and rehab of foreclosed properties to be sold to qualifying families. A total of $1,249,467 has been expended on the acquisition and renovations for 8 properties. The remaining balance of $177,272 will be utilized for renovations and acquisition. Three properties have been sold, two are for sale, one sale is pending, one is a lease purchase and one is a rental that serves persons with disabilities. Dover Housing Authority purchased 1415 S. Hancock Avenue with program income and renovations are underway. The following list the status of each NSP property:

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

MEETING REPORTS

Board of Adjustment:
The Board of Adjustment did not meet on June 15, 2011. The next regular scheduled meeting of the Board of Adjustment is scheduled for July 20, 2011.

Historic District Commission:
The Historic District Commission met for the regular meeting on June 16, 2011. There were no applications to take action on; however, a discussion was held regarding the Kirk-Short Buildings located at 15 and 21 The Green, the Draft Zoning Text Amendment (MI-11-06) Updates to *Zoning Ordinance,* Article 10 §3 Historic

District Commission and Architectural Review, and the ongoing discussion regarding updating the "*Design Standards and Guidelines for the City of Dover Historic District Zone*." The next regular Historic District Commission meeting is scheduled for July 21, 2011

Planning Commission

The Planning Commission met on June 20, 2011 and took the actions summarized listed below. The next scheduled Planning Commission meeting is scheduled for July 18, 2011.

1. **S-10-13 YMCA at 1137 South State Street** – Moved to approve a one (1) year extension.
2. **C-11-04 M & L Ventures, LLC at Lafferty Lane** – Moved to approve with the waiver requests granted for the sidewalk, elimination of curbing, and to amend the requirement of two (2) bicycle parking areas.
3. **C-11-03 Governors Club Professional Center at 144 Kings Highway** – Moved to approve.

Submitted by:

Ann Marie Townshend

Ann Marie Townshend, AICP
Planning & Community Development Director

DOVER
FIRE DEPARTMENT



June
2011

DOVER FIRE DEPARTMENT
Established 1882

MEMORANDUM

To: City Council

From: Jack I. Fortney, Jr., Fire Chief

Date: August 8, 2011

Re: Monthly Report Layout

During the meeting with members of City Council to discuss cost saving ideas for the City of Dover, Councilman Bonar inquired about the amount of false alarms the Fire Department responds to each month. It was mentioned to him that this information was included in the monthly report; however, we would provide City Council with a chart showing the incident types for the year 2010 (sent to City Council via email on July 20, 2011).

Councilman Bonar called our office and requested an incident report based on percentages, which was provided to him via email.

Since the report he requested is more detailed, we have decided to use this information in our monthly submission to City Council instead of the pie chart that was used previously.

If you have any questions, or require additional information, please do not hesitate to contact my office at 736-7167.

Incident Type Report (Summary)

Dover Fire Department

Date Range: From 06/01/2011 to 06/30/2011

Incident Type		Count	Pct of Incidents	Total Est Loss	Total Est Loss
1 Fire					
100 Fire, other		1	1.12%	$0	0.00%
111 Building fire		1	1.12%	$0	0.00%
113 Cooking fire, confined to container		10	11.24%	$0	0.00%
131 Passenger vehicle fire		1	1.12%	$0	0.00%
143 Grass fire		2	2.25%	$0	0.00%
150 Outside rubbish fire, other		2	2.25%	$0	0.00%
151 Outside rubbish, trash or waste fire		1	1.12%	$0	0.00%
154 Dumpster or other outside trash receptacle fire		3	3.37%	$0	0.00%
	Totals	**21**	**23.60%**	**$0**	**0.00%**
2 Overpressure Rupture, Explosion, Overheat(no fire)					
	Totals	**0**	**0.00%**	**$0**	**0.00%**
3 Rescue & Emergency Medical Service Incident					
350 Extrication, rescue, other		1	1.12%	$0	0.00%
352 Extrication of victim(s) from vehicle		1	1.12%	$0	0.00%
	Totals	**2**	**2.25%**	**$0**	**0.00%**
4 Hazardous Condition (No Fire)					
411 Gasoline or other flammable liquid spill		1	1.12%	$0	0.00%
424 Carbon monoxide incident		1	1.12%	$0	0.00%
440 Electrical wiring/equipment problem, other		2	2.25%	$0	0.00%
441 Heat from short circuit (wiring), defective/worn		1	1.12%	$0	0.00%
444 Power line down		1	1.12%	$0	0.00%
445 Arcing, shorted electrical equipment		1	1.12%	$0	0.00%
	Totals	**7**	**7.87%**	**$0**	**0.00%**
5 Service Call					
500 Service Call, other		3	3.37%	$0	0.00%
531 Smoke or odor removal		1	1.12%	$0	0.00%
542 Animal rescue		1	1.12%	$0	0.00%
561 Unauthorized burning		1	1.12%	$0	0.00%
571 Cover assignment, standby, moveup		1	1.12%	$0	0.00%
	Totals	**7**	**7.87%**	**$0**	**0.00%**
6 Good Intent Call					
600 Good intent call, other		16	17.98%	$0	0.00%
611 Dispatched & canceled en route		2	2.25%	$0	0.00%
	Totals	**18**	**20.22%**	**$0**	**0.00%**
7 False Alarm & False Call					
700 False alarm or false call, other		17	19.10%	$0	0.00%
710 Malicious, mischievous false call, other		2	2.25%	$0	0.00%
713 Telephone, malicious false alarm		1	1.12%	$0	0.00%
730 System malfunction, other		4	4.49%	$0	0.00%
733 Smoke detector activation due to malfunction		3	3.37%	$0	0.00%
735 Alarm system sounded due to malfunction		1	1.12%	$0	0.00%
740 Unintentional transmission of alarm, other		1	1.12%	$0	0.00%
744 Detector activation, no fire - unintentional		3	3.37%	$0	0.00%
745 Alarm system activation, no fire - unintentional		2	2.25%	$0	0.00%
	Totals	**34**	**38.20%**	**$0**	**0.00%**

Incident Type Report (Summary)

Dover Fire Department

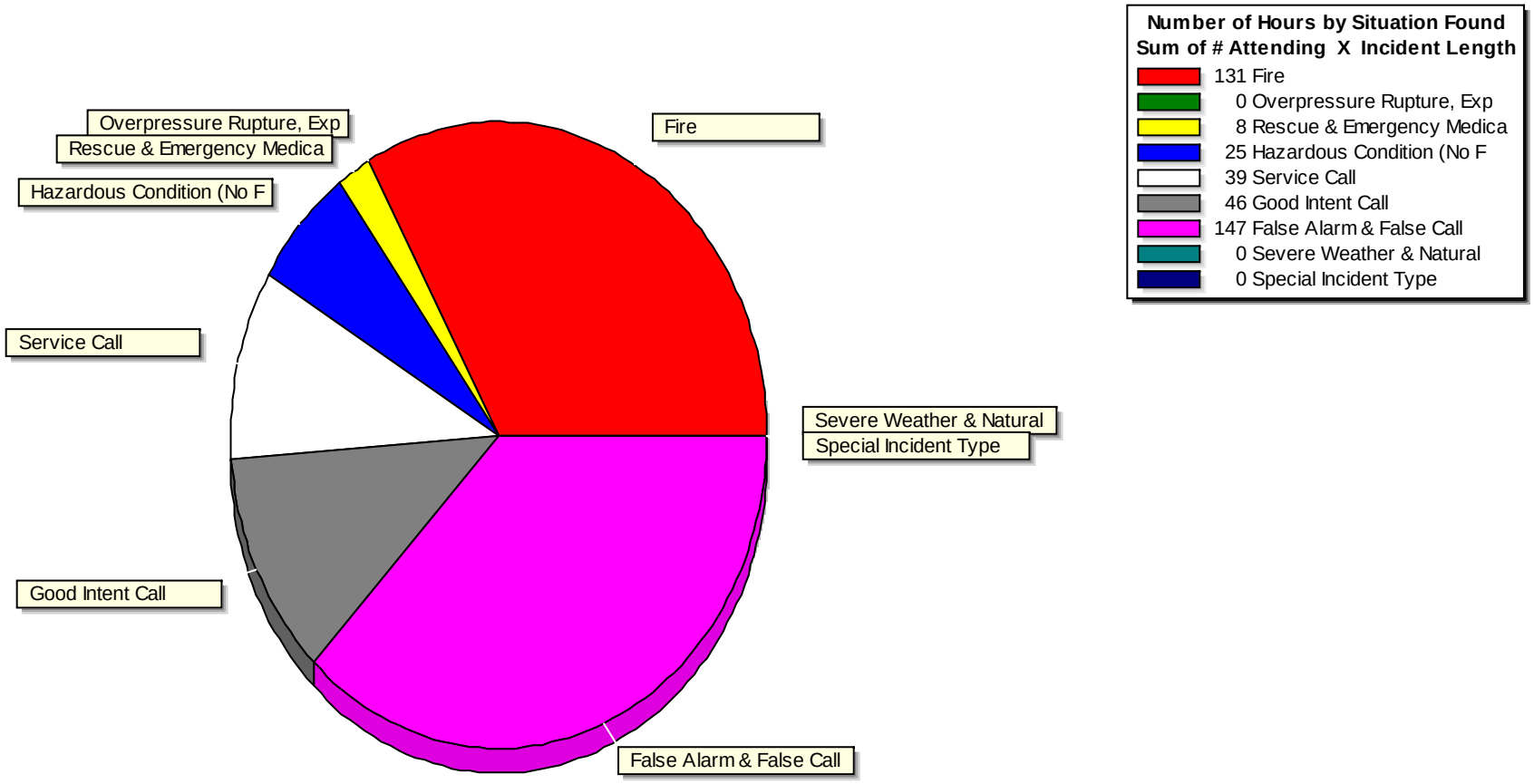
Date Range: From 06/01/2011 to 06/30/2011

Incident Type		Count	Pct of Incidents	Total Est Loss	Total Est Loss
8 Severe Weather & Natural Disaster					
	Totals	**0**	**0.00%**	**$0**	**0.00%**
9 Special Incident Type					
	Totals	**0**	**0.00%**	**$0**	**0.00%**
	Totals	**89**		**$0**	

Manpower Hours by Sitation Found

Date Range: From 06/ 01/ 2011 to 06/ 30/ 2011

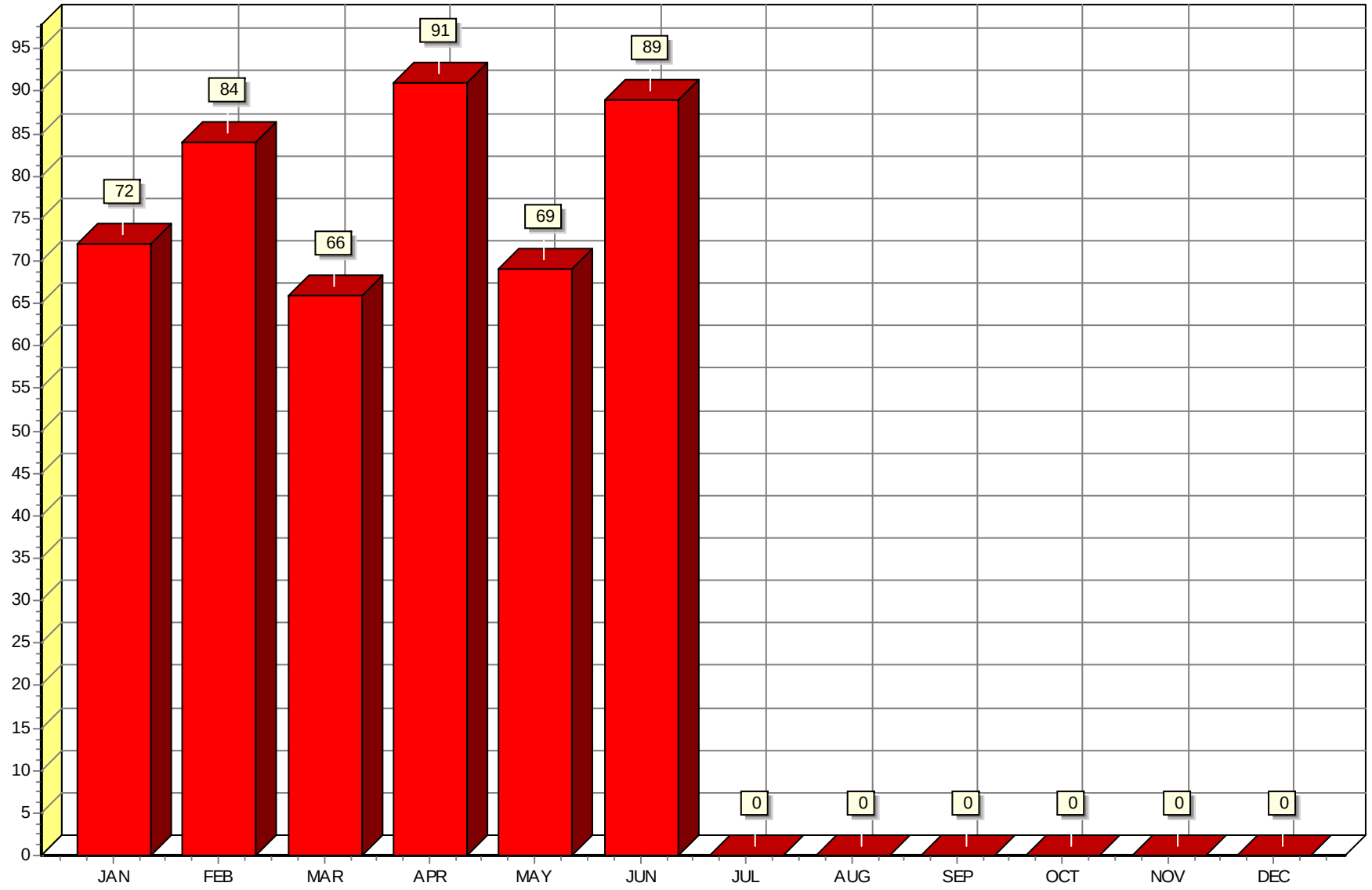
Dover Fire Department



Alarms by Month of Year

Dover Fire Department

Date Range: From 01/ 01/ 2011 to 06/ 30/ 2011



Incident Run Log

Dover Fire Department

Date Range: From 06/01/2011 to 06/30/2011
Company: All Companies
Sorted by: Not selected

Date	FDID	Incident#	Alarm	###	Address	Suite	Type
06/01/2011	30046	2011-000383	13:02		SHELDRAKE CIRLCE/KATRINA WAY		Outside rubbish fire, other
	B9 WET DOWN A 10 X 10 MULCH FIRE WITH 5 GALLONS OF WATER						
06/01/2011	30046	2011-000384	14:30		CAHOON BRANCH RD		Electrical wiring/equipment problem, other
	Wires in the roadway, electric department notified.						
06/02/2011	30046	2011-000385	07:35	35	COMMERCE WAY	SUITE	Carbon monoxide incident
	E4 AND E3 RESPONDED FOR REPORT OF A GAS DETECTOR ACTIVATION AT THE ABOVE LOCATION. CREWS FOUND A CARBON MONOXIDE PROBLEM IN THE CONFERENCE ROOM AND PINPOINTED THE PROBLEM TO THE LOADING DOCK AREA. CREWS THEN FOUND A FORKLIFT THAT HAD A CRACKED BATTERY LEAKING . THIS WAS DETERMINED TO BE AN ONGOING PROBLEM AND THE FIRE MARSHALL 'S OFFICE WAS NOTIFIED.						
06/02/2011	30046	2011-000386	12:35	1001	N DUPONT HWY	13	Good intent call, other
	Brush 9 responded to the area of ACME in reference to a mulch fire. On arrival the fire had been previously extinguished. No further action taken.						
06/02/2011	30046	2011-000387	14:03	103	MONT BLANC BLVD		Good intent call, other
	Brush 9 responded to the above address in reference to a mulch fire. On arrival, the mulch was extinguished and no further action was taken.						
06/02/2011	30046	2011-000388	15:19	400	HIAWATHA LA		Good intent call, other
	Mulch fire that was extinguished prior to DFD arrival.						
06/02/2011	30046	2011-000389	16:01	150	KEARSNEY CT		Good intent call, other
	Responded to the above address in reference to a mulch fire. Brush 9 was used to soak the area. No further action taken.						
06/02/2011	30046	2011-000390	16:07	1574	N DUPONT HWY		Good intent call, other
	Brush 9 responded to the above address in reference to a mulch fire. Brush 9 soaked the area. No further action taken.						
06/02/2011	30046	2011-000391	16:32	150	KEARSNEY CT		Good intent call, other
	Brush 9 responded back to the above address and further soaked the area from a previous mulch fire.						
06/02/2011	30046	2011-000392	17:13	1052	S GOVERNORS AVE		Good intent call, other
	SMALL MULCH FIRE OFF OF PARKING LOT.						
06/03/2011	30046	2011-000393	06:51	1030	FORREST AVE		Good intent call, other
	mulch						
06/03/2011	30046	2011-000394	09:05	304	N GOVERNORS AVE		Fire, other
	Writer responded to the above location in reference to a grill fire inside the garage. On arrival, the fire was extinguished but the the flames had come in contact with the garage door and caused damage to same as well as grease splatter throughout the garage floor. Writer notified the City Fire Marshal's office and FM 2 responded to the scene. No further action taken by DFD, the scene was turned over to the fire marshal's office.						
06/03/2011	30046	2011-000395	12:18	1200	N DUPONT HWY		False alarm or false call, other
06/03/2011	30046	2011-000396	14:24	1350	N DUPONT HWY		Outside rubbish fire, other
	Extinqusied mulch fire in planter.						
06/03/2011	30046	2011-000397	21:30	1537	CHESTNUT GROVE RD		False alarm or false call, other
	Fm 19 advising accidental trip after disptch. Dover 16 held it to him and responded to the scene to provide the FM with a knox box key						
06/04/2011	30046	2011-000398	22:04	51	WEBBS LA	E	Cooking fire, confined to container
	Oven fire out upon arrival.						
06/05/2011	30046	2011-000399	19:52	464	PHOENIX DR		Smoke or odor removal
	Dover FIre Department responded to the above address in reference to black smoke coming from the stove. On arrival, investigation revealed the home owner needed to clean her oven/stove. No further action taken.						
06/06/2011	30046	2011-000400	08:13	21	LOTUS ST		Cooking fire, confined to container
	UNATTENDED COOKING.						
06/06/2011	30046	2011-000401	08:30	97	COMMERCE WAY	105	Alarm system activation, no fire - unintentional
	ACCIDENTAL PULL STATION ACTIVATION						
06/06/2011	30046	2011-000402	12:21	120	S GOVERNORS AVE	A	Heat from short circuit (wiring), defective/worn
	OVER HEATED AIR CONDITIONING UNIT. FM 4 NOTIFIED.						
06/06/2011	30046	2011-000403	13:01	51	WEBBS LA	E	Arcing, shorted electrical equipment
	MALFUNTIONING OVEN.						
06/06/2011	30046	2011-000404	17:42	412	W LOOCKERMAN ST		Alarm system activation, no fire - unintentional
	Dover Fire E4 , E3, and L2 responded to above for report of an automatic fire alarm. Units arrived on scene and writer assumed command. Dover PD was also on scene ref to a panic alarm from the same address. Residents advised crews and officers that the power had went out approx 1 hour prior to the alarm being activated and they believe that was the cause. Units cleared and scene was turned over to Dover PD who was still investigating the panic alarm .						
06/07/2011	30046	2011-000405	07:58		SR1 & US 113 /SR 10		Good intent call, other

Date	FDID	Incident#	Alarm	###	Address	Suite	Type

E7 responded and while enroute was advised by 58 units that they were on scene and the fire had been extinguished. E7 arrived and confirmed same, also the vehicle was located on the offramp to the main gate off of DAFB . It is unk at this time how the call was relayed to DAFB fire . Scene was turned over to DAFB security forces.

06/07/2011	30046	2011-000406	08:41	97	COMMERCE WAY	103	False alarm or false call, other

Walk through of the building found a second floor detector activation. Scene turned over to maintenance

06/07/2011	30046	2011-000407	10:07	1404	FORREST AVE	K	Electrical wiring/equipment problem, other

DISPATCHED FOR A RUBBER BURNING ODOR INSIDE STORE. E-4 CREW CHECKED THE BLDG WITH NEGATIVE RESULTS. E-4 CREW SECURED ELECTRICAL POWER TO STORE, PENDING FURTHER INVESTIGATION BY L-2 CREW OF ROOF MOUNTED AIR HANDLING UNITS. NEGATIVE FINDINGS. ELECTRICAL WAS LEFT TURNED OFF, BLDG TURNED OVER TO WENDY HAGAN, TO CONTACT MAINTENANCE TO TROUBLE SHOOT. INSTRUCTED HER TO CALL DFD WHEN PROBLEM RESOLVED.

06/07/2011	30046	2011-000408	12:49	321	Martin st		Building fire

On the above date and time the Dover Fire Department was alerted for report of a mulch fire. Writer inquired on dover's company channel what the alarm was. Dispatch advised that KentCenter was advising they were taking numerous calls and that they were upgrading it to a working alarm. Writer went responding on Dover Fire in the department command vehicle. Dover PD went on location and advised that they had heavy fire and smoke showing. Writer arrived on scene with same conditions and assumed command. E7 went responding and arrived first on scene. They placed their deck gun into service prior to putting an 1 3/4 handline into service, due to the heavy fire conditions at the front of the structure. E3 arrived next on scene and their crew was advised to pull a second line and assist the crew from E7 . As crews were inside the fire progressed into the knee walls and the attic space. Dover Ladder 2 was next on location and they were advised to put their bucket into service. At this time due to the manpower situation a second alarm was requested. The second alarm brought Engine 41-3 and Engine 54-5 to the scene as well as 41-1, 55-5, Quint 45, and 43-1. 55's crew was advised to take the third 1 3/4 into the secondary structure and gain access to the attic. 41's and 43's crew relieved the two interior crews.

The bulk of the fire was knocked down by interior crews while Ladder 2's crew opened up the roof and knocked down the fire in the attic area. A primary and secondary search of the residence proved negative and all ten occupants were accounted for . Four firefighters suffered second degree burns, FF Robin Andino from Camden to the wrist , FF Stephens and Bundek from Dover Fire, both to the lower legs, and FF Petka from Dover Fire to the upper arm area .

The scene was placed under control and all units remained on scene for approximately 2 hours and the scene was turned over to the City of Dover Fire Marshall's office. The Red Cross was also notified reference to the occupants of the structure.

Units responding were E3, E7, L2, 41-1, 41-3, 43-3, 55-5, QUINT 45, A55, 54-5, 54-4, Dover PD, KM-7, Km-5, A63, City of Dover FM, and the American Red Cross.
51-3 and L49 stood by while units were on the fire ground.

06/07/2011	30046	2011-000409	14:40	190	JOHN HUNN BROWN RD		Good intent call, other

51-3 wet down area of a small mulch fire.

06/08/2011	30046	2011-000410	12:55	9	GREENWAY SQUARE	A	Cooking fire, confined to container

Dispatched to an AFA at the above location. E3 was first on scene and FF Trey Small assumed command. E3's crew encountered a light smoke condition upon entering the complex. Crew made their way to division 2 where they found smoke coming from the door of S-21. I (Asst Chief O'Connor) arrived on scene in E4. I went to FF Small and got a report as my crew went inside. I assumed Command. The door was locked (dead bolt) and was taken by the crews. Once inside, crews found a pot on the stove that was burnt and what appeared to be baby nipples inside. All the stove burners were on full and glowing red. An attempt by someone was made to extinguish the fire with a dry chemical extinguisher. No extension was found. Ladder 2 arrived on scene (no service). The apartment was ventilated and the situation was placed under control. The Dover City FMO was contacted and given a verbal report on the Dover Company channel. All units returned.
User: O'Connor, Jr., Michael 06/08/2011 14:01:13

06/08/2011	30046	2011-000411	15:14	141	SPRUANCE RD		Dumpster or other outside trash receptacle fire

On arrival found a City trash can that had burned and was extinguished prior to FD arrival. Crew investigated same and found the vinyl siding melted on the front of the house and an electrical box burnt on the ground next to the trash can with damage to the wires. City Electric and City FM was notified. Crews wet down the area and cleared. Scene turned over to FM 4.

06/08/2011	30046	2011-000412	22:20	827	TOWNSEND BLVD		False alarm or false call, other

Dispatched to a CO detector activation without injuries. Upon arrival, crews investigated a chirping CO detector in the basement division. Crews using two sperate MSA multi-gas meters, found no evidence of CO gas. The detector chirped three beeps approximately every minute indicating a low battery. The homeowner was advised of same and units cleared the scene.

User: O'Connor, Jr., Michael 06/08/2011 23:08:36

06/08/2011	30046	2011-000413	23:20		SR1 & MAIN TOLL PLAZA		Dispatched & canceled en route

Dispatched to a roll over MVC south of the main toll plaza on SR-1. While en route, BLS unit on scene advised that all parties had fled the scene and there was no need for fire apparatus

User: O'Connor, Jr., Michael 06/08/2011 23:32:37

06/09/2011	30046	2011-000414	09:49	1572	N DUPONT HWY		False alarm or false call, other

DFD responded to the above location in reference to an alarm activation. On arrival, crews determined the system was acitvated by a pull station. A walk through was completed with negative findings. No further action taken.

06/09/2011	30046	2011-000415	19:50	65	ROCKFORD CROSSING		Service Call, other

RESPONDED TO RESIDENCE TO CHECK AN ELECTRICAL ARCING INSIDE THE ELECTRIC OVEN, WHILE THE OVEN WAS WARMING UP. RESIDENT HAD TURNED THE OVEN OFF AND DISCHARGED A DRY CHEMICAL EXTINGUISHER INSIDE THE OVEN. THE FIRE WAS OUT UPON ARRIVAL, THE HEATING ELEMENT WAS DAMAGED, SO L-2 CREW TURNED OFF THE CIRCUIT BREAKER TO THE STOVE.

06/10/2011	30046	2011-000416	02:08	413	COURT ST	C	Cooking fire, confined to container

On arrival found an odor of smoke on the second floor. Crews entered Apt 3 through an open window with negative results. Crew then entered Apt. 4 through an open window and found unattended cooking in same. Crew ventilated same and cleared. Building turned over to Building maintenance.

Date	FDID	Incident#	Alarm	###	Address	Suite	Type
06/10/2011	30046	2011-000417	13:11	1200	N DUPONT HWY		Unintentional transmission of alarm, other
		DFD responded to the above location in reference to an alarm activation at that location. On arrival, DSU PD advsied the electrician was working on the system and failed to place same in test mode. No further action taken be DFD personnel.					
06/10/2011	30046	2011-000418	16:51	605	BAY RD		Malicious, mischievous false call, other
		Child while playing accidental set off fire alarm.					
06/11/2011	30046	2011-000419	23:24		STATE ROUTE 1		Extrication of victim(s) from vehicle
		On arrival DSP advised there was no need for the fire department subject self extricated herself and no patient, subject in DSP custody. FD cleared.					
06/12/2011	30046	2011-000420	02:30	1200	N DUPONT HWY		Smoke detector activation due to malfunction
		DISPATCHED DUTY OFFICER FOR AFA. ON LOCATION DSU SECURITY HAD ALREADY CHECKED ROOM. FAULTY SMOKE DETECTOR.					
06/12/2011	30046	2011-000421	08:21	1200	N DUPONT HWY		Smoke detector activation due to malfunction
		Smoke detector activation do to malfunction.					
06/12/2011	30046	2011-000422	09:15	63	Grissom st		False alarm or false call, other
		On arrival occupant stated she had a burning odor in the bed room and the her electrical circuit box was arching. Crews checked same with negative results. City Electric had also been at the residence earlier in the week for the same thing. Occupant stated that she wanted the Fire Department to deem her residence unsafe so she could move and had the red cross on the phone. She was advised that the fire department could not do that unless there was an actual fire and that there were no signs of any problems in her residence. The Fire Department did shut off the power to the residence and advised the occupant to have an electrician check her electrical system out prior to turning the power back on.					
06/12/2011	30046	2011-000423	19:02	151	UPLAND AVE		Dispatched & canceled en route
		CANCELED EN ROUTE BY D/C WEST. HE NOTED ONGOING PROBLEM WITH STRUCTURE. 15-20 SECONDS OF BLACK SMOKE COMING FROM CHIMNEY. REALTOR NOTIFIED OF PROBLEM. VACANT STRUCTURE					
06/14/2011	30046	2011-000424	08:43	144	KINGS HWY		Detector activation, no fire - unintentional
		On arrival found an activated smoke detector on the first floor from construction workers sanding in the area. City FM notified. Units cleared.					
06/14/2011	30046	2011-000425	13:37	128	WILSON AVE		Detector activation, no fire - unintentional
		On arrival occupant advised they were cooking and smoked up the kitchen. Crews checked the residence with negative results. Units cleared.					
06/15/2011	30046	2011-000426	04:07	449	N DUPONT HWY		System malfunction, other
		DISPATCHED FOR AFA. ON LOCATION UTILIZED KNOX BOX TO MAKE ENTRY, E-3&4 CREWS CHECKED BLDG, NEG RESULTS. ALARM PANEL INDICTED TROUBLE ALARM, LOW BATTERY, CHARGER PROBLEM. RESPONDENT DIDN'T SHOW, BLDG SECURED, UNITS CLEARED					
06/15/2011	30046	2011-000427	06:44	24	Willis rd		Good intent call, other
		DISPATCHED FOR POSSIBLE OVEN FIRE. OCCUPANT HAD BEEN SELF CLEANING OVEN, AND WAS CONCERNED THAT THE GREAT AMOUNT OF SMOKE COMING FROM OVEN, THAT IT HAD CAUGHT FIRE. E-4 CREW CHECKED SAME AND OVEN WAS LOCKED CLOSED, DUE TO SELF CLEANING. NO FIRE NOTED.					
06/15/2011	30046	2011-000428	10:15	550	S NEW ST		Dumpster or other outside trash receptacle fire
		DFD responded to and extinguished a dumpster fire in the parking lot of Spences Bazaar. The fire was contained to the dumpster involved. The FM's office was notified to respond. No further action taken.					
06/15/2011	30046	2011-000429	16:11	93	Harriet St		Service Call, other
		Brush 9 reesponded to the above addres in reference to a controlled burning that was posibly unattended. On arrival crews made the scene safe and no further action was taken					
06/15/2011	30046	2011-000430	19:32	120	PENNINGTON PL		Dumpster or other outside trash receptacle fire
		E3 ARRIVED ON SCENE TO FIND A COMMERICAL DUMPSTER FULLY INVOLVED. CREWS STRECHED THE FRONT BUMPER 1 3/4 LINE TO EXTINGISH THE FIRE WITH APPROX 500 GALLONS. THE ON CALL FM WAS REQUESTED AND THE SCENE WAS TRUNED OVER TO FM 2.					
06/15/2011	30046	2011-000431	19:48	120	PENNINGTON PL		False alarm or false call, other
		WHILE ON SCENE OF A DUMPSTER FIRE, RESIDENTS ADVISED COMMAND THAT THE FIRE ALARM WAS GOING OFF APPROX 20-30 MINS PRIOR TO OUR ARRIVAL OF THE DUMPSTER FIRE AT BUILDING D. THE ALARM WAS RESET PRIOR TO OUR ARRIVAL BY A MEMBER A FACILITY'S MANAGEMENT. CREWS INVESTAGATED WITH NO FINDINGS. FACILITY'S MANAGEMENT ADVISED IT WAS A PULL STATION ACCIDENTALLY HIT. SCENE WAS TURNED OVER TO FM 2.					
06/16/2011	30046	2011-000432	02:56	734	SLAUGHTER ST		Good intent call, other
		DFD esponded to the above location in reference to an electrical hazard. On arrival, crews determnined that cause was a faulty fan that was plugged into the wall outlet. Crews secured the fan and no further action was taken.					
06/16/2011	30046	2011-000433	09:13	1200	N DUPONT HWY	BLDG	False alarm or false call, other
		Dispatched to the above location for an AFA in Bldg 1. Upon arrival, crews were met by security who related to the alarm panel indicating 4th floor detector alarm. Crews investigated same with negative results. Cleared the scene.					
		User: O'Connor, Jr., Michael 06/16/2011 09:37:24					
06/16/2011	30046	2011-000434	11:08	290	S DUPONT HWY		False alarm or false call, other
		DFD responded to the above location in reference to an alarm activation. On arrival, crews determined the system was in trouble mode. A walk through was completed and met with negative results. No further action taken.					
06/16/2011	30046	2011-000435	14:00	655	BAY RD		Good intent call, other
		SMALL MULCH FIRE IN FRONT OF ATNEA. B9 CREW WET DOWN THE AREA AND CLEARED.					
06/16/2011	30046	2011-000436	17:03	200	SAULSBURY RD		Outside rubbish, trash or waste fire
		Dispatched to a City trash can on fire. Upon arrival, was met by Elks Club personnel who related the large City trash can was smoldering. They filled it with water once, the drained the can and a short time later, the rubbish was smoldering again. On our arrival the can had been					

Date	FDID	Incident#	Alarm	###	Address	Suite	Type

filled for a second time. We utilized a woodland rake and rotated the trash on top to the bottom so everything was thoroughly saturated. No evidence of smoke seen. Cleared the scene

User: O'Connor, Jr., Michael 06/16/2011 17:30:39

06/17/2011	30046	2011-000437	09:53	765	BACON AVE	7	Cooking fire, confined to container

Dispatched to an appliance fire believed to be contained. Upon arrival, found the homeowner at the front door. She related her oven had caught fire. She had extinguished same with an ABC extinguisher. Upon investigation, discovered that the fire had burnt through the heating element. Advised the homeowner not to use the oven. No exposure of extension issues. Cleared the scene

Homeowner: Kathy Brown (302) 241-1673

User: O'Connor, Jr., Michael 06/17/2011 10:23:37

06/17/2011	30046	2011-000438	14:34	758	N DUPONT HWY		Good intent call, other

REPORTED AS A AUTOMOBILE FIRE. UPON ARRIVAL, CARDBOARD BOX ON FIRE UNDER CAR. NO DAMAGE TO VEHICLE.

06/19/2011	30046	2011-000439	15:42	1001	WHITEOAK RD BLDG C		Telephone, malicious false alarm

Report of a building fire from a 911 only cell phone. Unfounded

06/21/2011	30046	2011-000440	17:07	110	S NEW ST		Cooking fire, confined to container

DFD responded to the above address in reference to an alarm activation. On arrival, crews located unattended cooking on the third floor. No further action taken.

06/22/2011	30046	2011-000441	12:38	725	WALKER RD		Alarm system sounded due to malfunction

Dispatched to the above location for ran AFA. Upon arrival, crews investigated a zone 100 alarm detection. Premises was searched with negative findings. The occupants related to having security alarm malfunctions as well.

User: O'Connor, Jr., Michael 06/22/2011 13:44:15

06/23/2011	30046	2011-000442	09:02		W LOOCKERMAN ST & S		Passenger vehicle fire

Dover Fire alerted units for report of a vehicle fire at the above intersection. E4 arrived and found the vehicle having some sort of electrical hazard . E3 arrived and assisted in battery disconect. Owner of the vehicle was advised not to drive the vehicle and to have it towed off the roadway .

06/23/2011	30046	2011-000443	09:54	3411	FORREST AVE		Unauthorized burning

Dover fire alerted units for report of a fire nature unknown. E3 went responding and arrived on location and found it to be a debris pile containing construction equipment on fire at the rear of the residence. E3 officer held the response to the single engine. The fire was extinguished and the scene was turned over to State FM-13 and DNREC for further investigation. Units cleared with no further action .

06/23/2011	30046	2011-000444	13:17	1200	N DUPONT HWY		False alarm or false call, other

Dover Fire alerted units for an automatic alarm at the above location. E3 arrived first on scene and crews advised Zone 3 and 5 activations. E4 was next on location and writer assumed command. Crews walked the entire building and found no problems throughout. City FM was notified of incident and scene was turned over to the DSU Police. Building was also placed on firewatch until the City FM cleared it . Units cleared with no further action at this time.

06/23/2011	30046	2011-000445	18:38	802	SILVER LAKE BLVD		Cooking fire, confined to container

Popcorn burnt in microwave

06/23/2011	30046	2011-000446	18:55		FORREST AVE		Extrication, rescue, other

E3 responded to a MVC with a reported subject trapped. E3 arrived under the command of F/F Matthew Carey with a 4 car MVC. E3's Crew found no entrapment in any of the vehicles. E3's crew secured all vehicles and provided stay dry for the area. 1 adult male was transported to KGH with lacerations to the face by A 63. A 3 year old female and her mother were evaluated by EMS and both were refusuals. Scene was turned over to Dover Police.

06/24/2011	30046	2011-000447	19:29	1	PAT LYNN DR		Malicious, mischievous false call, other

On arrival found an AFA activation, crews checked the building and found a pull station activated in the Main Gym. Building turned over to maintenance units cleared.

06/24/2011	30046	2011-000448	22:01	136	QUAIL HOLLOW DR		False alarm or false call, other

HALLWAY SMOKE DETECTOR ACTIVATION. HOME OWNER ADVISED THEY HAVE BEEN IN CONTACT WITH ADT FOR TWO WEEKS ABOUT IT GOING OFF FOR NO REASON. CREWS DID A WALK THROUGH WITH NO FINDINGS.

06/24/2011	30046	2011-000449	22:31	1572	N DUPONT HWY		False alarm or false call, other

ALARM RESET PRIOR TO ENGINES 3 ARRIVAL. CREWS DID A WALK THROUGH OF THE BUILDING WITH NO FINDINGS. CONSTRUCTION WORKERS WERE ON SITE AND STATED THEY HAD NO IDEA WHO RESET THE SYSTEM.

06/25/2011	30046	2011-000450	02:13	1001	WHITEOAK RD BLDG H		Cooking fire, confined to container

DFD responded to building G/H White Oak Condos in reference to an alarm activation at that location. On arrival, crews located unattended cooking which caused the system to activate. Positive pressure was established at the front door to remove the smoke. No damage was reported. No further action taken.

06/25/2011	30046	2011-000451	08:33	561	N DUPONT HWY		False alarm or false call, other

DFD responded to the above address in reference to an alarm activation. On arrival, crews located a hallway smoke detector activated outside room 339. Crews were unable to determine why the detector activated. No further action taken.

06/25/2011	30046	2011-000452	10:21	899	WILSON DR		False alarm or false call, other

DFD responded to the above address in reference to an alarm activation. On arrival, crews located unattended cooking which caused the system to activate. No damage, no action taken.

06/25/2011	30046	2011-000453	10:30	1200	N DUPONT HWY		False alarm or false call, other

Date	FDID	Incident#	Alarm	###	Address	Suite	Type
					DFD responded to the above location in reference to an alarm activation. On arrival, crews determined the system was reset prior to the fire department's arrival. No action taken.		
06/25/2011	30046	2011-000454	13:38	1420	MCKEE RD		False alarm or false call, other
					DFD responded to the above location in reference to an alarm activation. On arrival, crews determined the alarm panel showed the system was is trouble mode. A walk through was completed with negative findings. No further action taken.		
06/25/2011	30046	2011-000455	20:30		LADYBUG DR		Grass fire
					20' X 20' GRASS FIRE PUT OUT BY PERSONNEL ON SCENE PRIOR TO FD ARRIVAL		
06/26/2011	30046	2011-000456	01:22	133	ST JONES AVE		Animal rescue
					Resident's English Bulldog had been missing for about 1.5 hours. His son found the dog down a steep embankment, at the edge St Jones river in the water, The son thought that if he got the dog, he then would not be able to get back up the embankment. Using a rescue rope with assistance of the son, we moved down the embankment and I removed the dog from the water and got the dog back up the embankment.		
06/26/2011	30046	2011-000457	04:54	1200	N DUPONT HWY		Smoke detector activation due to malfunction
					Responded for AFA. upon arrival DSU Security advised me, that a smoke detector had activated in a dorm room, due to condensation caused because the resident had the A/C on with the window open. The bldg had been evacuated and alarm was reset prior to my arrival because security did not know DFD was responding. Advised them of new DFD policy on responding to AFA at DSU.		
06/26/2011	30046	2011-000458	12:23	417	FEDERAL ST		System malfunction, other
					Arrived on location and found an AFA activated in the building first floor smoke detector. Crews checked the building with negative results. Units Cleared.		
06/26/2011	30046	2011-000459	19:01	159	PERIWINKLE DR		Good intent call, other
					On arrival occupant advised they were starting to cook when the burner smoked up the kitchen and activated the detector. Crews checked the residence and cleared.		
06/26/2011	30046	2011-000460	22:05	51	WEBBS LA	C	Gasoline or other flammable liquid spill
					Responded to a report from DSP of subject pouring gasoline on vehicles in parking lot in from of Bldg C. Upon arrival observed an empty open plastic gas can near the vehicles and an odor of gasoline present. I could not detect if any gasoline had been poured on any vehicle. Observed another open plastic gas can, with about .5 gallon of gasoline possible mixed with oil, near the front entrance to Bldg C. DSP officers arrived and could not find and evidence of wrong doing. The DSP officer asked me to remove the two gas cans from the property. User: Knight, David 06/29/2011 20:00:55		
06/27/2011	30046	2011-000461	03:28	417	PICKERING BEACH ROAD		Cover assignment, standby, moveup
					DFD responded to the above location to assist sttion 54 with a trailer fire. Once on scene, crews assisted with overhaul.		
06/27/2011	30046	2011-000462	08:35	1200	N DUPONT HWY		Detector activation, no fire - unintentional
					Smoke detector activation Warren Franklin hall, unfounded		
06/27/2011	30046	2011-000463	12:20	1200	N DUPONT HWY		False alarm or false call, other
					Power surge, unfounded		
06/27/2011	30046	2011-000464	12:28	1350	N DUPONT HWY		System malfunction, other
					Power surge, unfounded		
06/28/2011	30046	2011-000465	11:51	414	E WIND DR		Cooking fire, confined to container
					Contained cooking fire.		
06/28/2011	30046	2011-000466	18:43	438	COURT ST		Cooking fire, confined to container
					On arrival found a smoke condition in the residence. Occupant stated she was cooking on the stove. Crews investigated same and found an extinguished kitchen fire that had minor extension into the cabinets. Crews checked for extension with negative results. Power was secured to the kitchen and FM5 made a response and investigated same. FD units cleared.		
06/29/2011	30046	2011-000467	15:41	10	FAIRWAY LAKES DR	P	System malfunction, other
					Dover 15 responded to the above location in reference to an alarm sounding. On arrival, Writer located the hallway detector activated on the second floor. Maintenance responded ant contacted writer. Maintenance was advised he could reset the system but if same failed, he was to contact the alarm company. FYI, Maintenance silenced the system prior to fire department's arrival, so they wouldn't be fined.		
06/30/2011	30046	2011-000468	11:00	206	Fox rd		Power line down
					Dispatched to the above location for a electrical investigation. Upon arrival, found a large tree branch had fallen across the primary power lines. No smoke or fire visible, however, a bystander relates to the tree being on fire earlier. Requested fire police to shut the road down. City of Dover Electric Dept arrived on scene. Scene was turned over to them with fire police remaining on scene until they were complete their work. User: O'Connor, Jr., Michael 06/30/2011 13:20:40		
06/30/2011	30046	2011-000469	13:23	605	S STATE ST		Service Call, other
					TREE ON FIRE.		
06/30/2011	30046	2011-000470	17:18	183	E SHELDRAKE CIR		Grass fire
					On arrival found an extinguished grasss fire that was approximately 20ft x 20 ft in size. Crew wet down the area and cleared.		
06/30/2011	30046	2011-000471	19:36	127	ROOSEVELT AVE		Good intent call, other
					Checked a food sales truck for a smell of propane. Owner bleeded off his propane tanks prior to our arrival.		

Total Incidents: 89

FY 10-11 City Funded Account Balance Sheet

ACCOUNT	BUDGET	SPENT	BALANCE
Apparatus Repairs & Maintenance	$ 60,500.00	$ 61,660.87	**$ (1,160.87)**
Gasoline	$ 21,000.00	$ 15,907.54	$ 5,092.46
Medical Supplies	$ 700.00		$ 700.00
Other Equipment Repairs	$ 4,000.00	$ 714.00	$ 3,286.00
Program Expenses	$ 34,630.00	$ 53,682.17	**$ (19,052.17)**
Radio Repairs	$ 2,000.00	$ 1,379.68	$ 620.32
Safety & Security	$ 3,150.00	$ 506.76	$ 2,643.24
Small Tools	$ 4,800.00	$ 3,136.26	$ 1,663.74
Uniforms & Firefighting Gear	$ 26,100.00	$ 22,969.64	$ 3,130.36
Building Expenses- Electricity	$ 53,820.00	$ 48,330.99	$ 5,489.01
Building Maintenance Supplies	$ 1,950.00	$ 1,125.05	$ 824.95
Heating Expenses- Gas	$ 20,000.00	$ 15,351.21	$ 4,648.79
Telephone	$ 19,340.00	$ 20,483.16	**$ (1,143.16)**
Water & Sewer	$ 2,150.00	$ 2,844.70	**$ (694.70)**
Contractual Services	$ 16,587.00	$ 16,587.00	$ -
Training & Travel	$ 8,365.00	$ 11,596.00	**$ (3,231.00)**
Pension	$ 3,500.00	$ 3,500.00	$ -
Office Supplies	$ 2,200.00	$1,542.28	$ 657.72
	$ 284,792.00	$ 281,317.31	$ 3,474.69

Balance as of: 06/30/11
Athough, it looks like the DFD was under budget, we needed to wait for the July appropriation to pay outstanding invoices in the amount of- $ 10,758.72

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

Type	Date	Num	Name	Memo	Clr	Split	Amount	Balance
Ordinary Income/Expense								
Expense								
Apparatus Repairs & Maintenance								
Check	6/11/2011	439	Atlantic Emergency ...	Invoice- MOR...		City Fund Acco...	70.13	70.13
Check	6/11/2011	445	Dover Automotive	Ref 429446		City Fund Acco...	75.92	146.05
Total Apparatus Repairs & Maintenance							146.05	146.05
Building Maintenance Supplies								
Check	6/11/2011	441	City of Dover	Flags		City Fund Acco...	49.55	49.55
Total Building Maintenance Supplies							49.55	49.55
Contractual Services								
Check	6/11/2011	450	Robbins Hose Comp...	Fleet Insuranc...		City Fund Acco...	16,587.00	16,587.00
Total Contractual Services							16,587.00	16,587.00
Electricity								
Check	6/11/2011	442	City of Dover	From 04/28 to...		City Fund Acco...	3,243.24	3,243.24
Check	6/11/2011	443	City of Dover	From 05/4 to ...		City Fund Acco...	713.27	3,956.51
Total Electricity							3,956.51	3,956.51
Gasoline								
Check	6/18/2011	452	City of Dover	Diesel		City Fund Acco...	2,089.20	2,089.20
Check	6/18/2011	452	City of Dover	Unleaded		City Fund Acco...	756.55	2,845.75
Total Gasoline							2,845.75	2,845.75
Heating Expenses- Gas								
Check	6/11/2011	440	Chesapeake Utilities	Sta 2 from 04/...		City Fund Acco...	99.78	99.78
Check	6/18/2011	451	Chesapeake Utilities	Station 1 from...		City Fund Acco...	214.01	313.79
Check	6/30/2011	457	Chesapeake Utilities	Stat 2- from M...		City Fund Acco...	55.31	369.10
Total Heating Expenses- Gas							369.10	369.10
Office Supplies								
Check	6/18/2011	452	City of Dover	Postage-April ...		City Fund Acco...	37.28	37.28
Check	6/18/2011	453	Staples	Acct # 6035 5...		City Fund Acco...	79.24	116.52
Check	6/25/2011	456	Priority Dispatch Cor...	Maintenance ...		City Fund Acco...	118.50	235.02
Total Office Supplies							235.02	235.02
Program Expenses								
Check	6/11/2011	446	Witmer Public Safety	Invoice # 115...		City Fund Acco...	3,150.00	3,150.00
Check	6/11/2011	447	Witmer Public Safety	Invoice- 1180...		City Fund Acco...	5,574.31	8,724.31
Check	6/11/2011	447	Witmer Public Safety	Invoice- 1141...		City Fund Acco...	271.22	8,995.53
Check	6/25/2011	454	Witmer Public Safety	Inv-1202078- ...		City Fund Acco...	15,500.00	24,495.53
Total Program Expenses							24,495.53	24,495.53

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

Type	Date	Num	Name	Memo	Clr	Split	Amount	Balance
Radio Repairs								
Check	6/30/2011	460	Magnum	Invoice # 25873		City Fund Acco...	358.76	358.76
Check	6/30/2011	460	Magnum	Invoice # 27046		City Fund Acco...	218.30	577.06
Total Radio Repairs							577.06	577.06
Small Tolls								
Check	6/11/2011	448	Municipal Emergenc...	Invoice- 0024...		City Fund Acco...	57.38	57.38
Check	6/30/2011	459	Rommel's ACE	May Invoice		City Fund Acco...	33.11	90.49
Total Small Tolls							90.49	90.49
Telephone								
Check	6/11/2011	449	Verizon Wireless	Monthly Char...		City Fund Acco...	818.89	818.89
Check	6/18/2011	452	City of Dover	Verizon Charg...		City Fund Acco...	773.95	1,592.84
Check	6/18/2011	452	City of Dover	Cavalier Char...		City Fund Acco...	24.15	1,616.99
Check	6/18/2011	452	City of Dover	Verizon Charg...		City Fund Acco...	754.81	2,371.80
Check	6/18/2011	452	City of Dover	Cavailier Char...		City Fund Acco...	21.34	2,393.14
Check	6/30/2011	458	Chief Technologies, ...	May to August...		City Fund Acco...	342.00	2,735.14
Total Telephone							2,735.14	2,735.14
Training & Travel Expenses								
Check	6/11/2011	444	Delaware State Fire ...	Invoice- 11-27...		City Fund Acco...	1,125.00	1,125.00
Check	6/11/2011	444	Delaware State Fire ...	Invoice- 11-28...		City Fund Acco...	70.00	1,195.00
Check	6/25/2011	455	Delaware State Fire ...	Inv 11-2964		City Fund Acco...	195.00	1,390.00
Total Training & Travel Expenses							1,390.00	1,390.00
Uniforms								
Check	6/11/2011	448	Municipal Emergenc...	Invoice- 0023...		City Fund Acco...	5,140.22	5,140.22
Total Uniforms							5,140.22	5,140.22
Water/Sewer								
Check	6/11/2011	442	City of Dover	Sta 1- Electric...		City Fund Acco...	11.54	11.54
Check	6/11/2011	443	City of Dover	Sta 2- Electric...		City Fund Acco...	29.62	41.16
Total Water/Sewer							41.16	41.16
Total Expense							58,658.58	58,658.58
Net Ordinary Income							-58,658.58	-58,658.58
Net Income							**-58,658.58**	**-58,658.58**

FINAL READING

CITY OF DOVER PROPOSED ORDINANCE #2011-17

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

That Chapter 102 - Taxation, Article III - Realty Transfer Tax, Section 102-71 - Definitions, Paragraph (a)(3) - First time homebuyer, be amended by deleting the text indicated in red strikeout as follows:

(3) *First time homebuyer* means a natural person who has at no time held an interest in residential real estate, wherever located, and which has been occupied as their principal residence, and who intends to occupy the property being conveyed as his principal residence, within 90 days following recordation of the deed. The first time homebuyer must file an affidavit certifying to his qualifications before the exemption can be granted. In order to alleviate claims for rebate of the transfer tax paid, no rebate shall be made once the deed for the transaction has been recorded. First time homebuyers submitting a false affidavit in any respect, which would entitle them to the exemption, shall be subject to payment of the unpaid transfer tax, plus interest at the rate of 1½ percent per month and, upon direction by the council, referral to the attorney general of the state for criminal prosecution. This subsection shall apply to all real estate settlements held on or after January 2, 2000. First time homebuyers are exempt from the transfer tax as provided herein. The first time homebuyer exemption shall apply to the seller of property that qualifies for the first time buyer exemption but only for property situated in the area from Mary Street to Loockerman Street and Governors Avenue to West Street. ~~This homebuyer's exemption for the seller is to be effective from the date of adoption [August 8, 2005] to August 1, 2010.~~ Council shall have the right to deny this exemption to any property owner where the sale and purchase appears to be done fraudulently to take advantage of the realty transfer tax exemption ordinance.

BE IT FURTHER ORDAINED THAT:

Chapter 102 - Taxation, Article IV - Abatement of Real Estate Taxes, Section 102-113 - Qualifications, Paragraph (d), be amended by deleting the text indicated in red strikeout as follows:

(d) Any persons purchasing residential real property in which they will reside within the area defined as Mary Street to Loockerman Street and Governors Avenue to West Street ~~during the effective date of this section~~ shall be given tax relief from the payment of real estate taxes in the following manner: first year of ownership, total tax abatement; second year of ownership, 75 percent tax abatement; third year of ownership, 50 percent tax abatement; fourth year of ownership, 25 percent tax abatement; fifth year of ownership, no tax abatement. Provided however that the homeowner is required to occupy the home as their principal place of residence during the entire time that the taxes are abated and if the property ceases to be their principal place of residence at any time during the four-year period of abatement, then they shall lose their right of abatement and shall be required to pay immediately all taxes abated up to the time that the home ceases to be their principal residence. In order to obtain the tax abatement, the homeowner must make application by affidavit submitted to the city clerk showing qualification for the abatement and each year thereafter, submit a similar affidavit showing their continued right to the abatement. If qualification for the abatement ceases

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within the four-year period of abatement the homeowner is required to notify the city clerk of the lack of qualification for the abatement and within 90 days from the date the qualification ceases, pay all taxes abated in the past. ~~In order to be eligible for this program, application must be received by the city prior to August 1, 2010.~~

ADOPTED: *

SYNOPSIS

The proposed amendment would remove the sunset clause from the first time homebuyer exemption which applies to the seller of property that qualifies for the first time buyer exemption for property situated in the area from Mary Street to Loockerman Street and Governors Avenue to West Street.

Actions History

August 8, 2011 - Scheduled for Final Reading by Council
July 25, 2011 - First Reading by Council
July 11, 2011 - Considered by Legislative, Finance, and Administration Committee

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FINAL READING

CITY OF DOVER PROPOSED ORDINANCE #2011-19

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

That Chapter 102 - Taxation, Article I - In General, Section 102-5 - Income and expense reports, be amended by inserting the text indicated in bold, blue, italics and deleting the text indicated in red strikeout as follows:

Sec. 102-5. - Income and expense reports.

The assessor shall ~~require~~ ***request*** that ***an annual report of income and expenses be completed and filed for*** all commercial/industrial income-producing property within the city limits of Dover***.*** ~~complete and file annual reports of income and expenses on~~ ***The income and expense report*** forms ***shall be*** developed ***and provided*** by the assessor. ~~Failure to provide the assessor with an income and expense report will result in a fee, as provided for in Appendix F - Fees and Fines, which shall be added to the property tax. Income and expense reports will be mailed to property owners and will be due within 30 days of receipt of request by the assessor.~~ ***This information will become mandatory if the owner of the commercial/industrial income-producing property petitions for appeal.***

(Ord. No. 2009-05, 7-27-2009; Ord. No. 2009-27, 12-14-2009)

BE IT FURTHER ORDAINED THAT:

Appendix F - Fees and Fines, Chapter 102 - Taxation, Article I - In General, Sec. 102-5 - Failure to provide the assessor with an income and expense report - $100.00 fee, be deleted in its entirety.

ADOPTED: *

Ssynopsis

The proposed amendment would make the filing of an annual report of income and expenses for all commercial/industrial income-producing property mandatory only if the property owner petitions for an appeal of the assessment.

Actions History

August 8, 2011 - Scheduled for Final Reading by Council
July 25, 2011 - First Reading by Council
July 11, 2011 - Considered by the Legislative, Finance, and Administration Committee

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