REGULAR COUNCIL MEETING

A G E N D A

June 27, 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 COUNCILWOMAN RUSSELL

AGENDA ADDITIONS/DELETIONS

* **CONSENT AGENDA**

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

* **1. Adoption of Minutes**

- **A. Special Council Meeting (Budget Review) of May 17, 18, 19, 24 and June 6, 2011**
- **B. Regular Council Meeting of June 13, 2011**

2. Presentation by Friends of the Dover Public Library

* **3. Parks, Recreation, and Community Enhancement Committee Report - June 13, 2011**

- **A. Silver Lake Revitalization - Phase III**
  (Committee Recommended Approval of the Plan as Presented)

* **4. Utility Committee Report - June 13, 2011**

- **A. Dedication of Rights-of-Way and Public Infrastructure - Blue Hen Apartments**
  (Committee Recommended Acceptance of the Dedication of Rights-of-Way and Public Infrastructure)
- **B. Universal Recycling Grants - Recycling Services Reimbursement Agreement**
  (Committee Recommended Authorizing Staff to Execute the Recycling Services Reimbursement Agreement)
- **C. Review of Utility Related Capital Investment Plan (CIP) (Electric and Water/Wastewater)**
  (Committee Recommended Acceptance of the Report)
- **D. PACE/NAES Report (March and April)**
  (Committee Recommended Acceptance of the Report)
- **E. Updates - National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems (MS4) Permit**
  (Committee Action Not Required)

* **5. Legislative, Finance, and Administration Committee Report - June 13, 2011**

A. Discussion - Soliciting Health Insurance Proposals

(Committee Recommended that Staff be Directed to Solicit Requests for Proposals for Alternative Health Insurance Plans for City Employees)

B. Discussion - Elimination of Medicare Part B Reimbursements for Current Non-Bargaining Employees

(Committee Tabled the Matter in Order to Obtain a Legal Opinion Regarding the Elimination of Medicare Part B Reimbursement)

C. Proposed Ordinances

c-1. #2011-11 - Chapter 102 - Taxation, Article IV - Abatement of Real Estate Taxes, Section 102-113 - Qualifications (See Item #8-A)

(Committee Recommended Adoption of Proposed Ordinance #2011-11, as Amended)

c-2. #2011-14 - Appendix B - Zoning, Article 10 - Planning Commission (See Item #9-A)

(Committee Recommended Adoption of Proposed Ordinance #2011-14, as Amended)

c-3. #2011-15 - Appendix A - Subdivisions - Regarding Homeowners' Association Responsibilities

(Deferred by Committee Due to Time Constraints)

D. Public Comment Period

(Committee Action Not Required)

6. Proposed Amendment to Financial Policies - General Fund Transfers

7. Requests for Extension of Rezoning Approvals

A. Property Located on the south side of White Oak Road, south of Mourning Dove Lane, consisting of 12.78$^{+/-}$ acres, owned by TLFD Management, LLC. The property was rezoned from R-20 (One Family Residence Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone) to R-8 (One Family Residence Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone) upon adoption of Ordinance #2010-04 on May 24, 2010. (Tax Parcel: LC05-068.00-01-18.00-000; Planning Reference: Z-10-01)

B. Property Located at 1169 South State Street, consisting of 0.6899$^{+/-}$ acres (30,052$^{+/-}$ s.f.), owned by Young Men's Christian Association of Delaware, Inc. (YMCA). The property was rezoned from RG-O (General Residence and Office) to IO (Institutional and Office) upon adoption of Ordinance #2010-10 on May 24, 2011. The subject property is located on the east side of South State Street, north of Roosevelt Avenue/Wyoming Avenue. (Tax Parcel: ED05-077.17-05-58.00-000; Planning Reference: Z-10-04)

C. Property Located at 1051 College Road, consisting of 4.32$^{+/-}$ acres, less a street right-of-way area consisting of 0.55$^{+/-}$ acres that divides the original tract into two (2) pieces, owned by JNK, LLC. The property was rezoned from R-8 (Single Family Residence Zone) to RG-2 (General Residence Zone) upon adoption of Ordinance #2009-29 on April 12, 2010. (Tax Parcel: ED05-067.00-01-35.03-000; Planning Reference: Z-09-05)

8. First Reading - Proposed Ordinance #2011-11

The First Reading is offered on Proposed Ordinance #2011-11. Final action by Council will take place during the Second Reading of the ordinances on July 11, 2011. Copies of all proposed ordinances are available at the entrance of the Council Chambers or can be obtained from the City Clerk's Office.

A. Chapter 102 - Taxation, Article IV - Abatement of Real Estate Taxes, Section 102-113 - Qualifications

(Legislative, Finance, and Administration Committee)

9. First Reading - Proposed Ordinance #2011-14

The First Reading is offered on Proposed Ordinance #2011-14. Since it is an amendment to the Zoning Code, it is recommended for referral to the Planning Commission on July 18, 2011, that a Public Hearing be set for August 8, 2011 at 7:30 p.m. and that the Second Reading and Final Action by Council take place at that time. Copies of all proposed ordinances are available at the entrance of the Council Chambers or can be obtained from the City Clerk's Office.

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

(Legislative, Finance, and Administration Committee)

10. Final Reading - Proposed Ordinance #2011-16

The First Reading of Proposed Ordinance #2011-16 was accomplished during the Council Meeting of June 13, 2011. Copies of the proposed ordinances are available at the entrance of the Council Chambers.

A. Ordinance #2011-16 - 2011/2012 City of Dover Budget

11. Council Members Announcements

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SPECIAL COUNCIL MEETING
BUDGET REVIEW

A Special Council Meeting was held on May 17, 2011 at 4:00 p.m. with Council President Leary presiding. Council members present were Mr. Anderson (arrived at 4:30 p.m.), Mrs. Russell, Dr. McGlumphy, Mr. Lynn, Mr. Bonar, Mrs. Williams, Mr. Hare, and Mr. Hutchison.

Council staff members present were Mr. DePrima, Mrs. Mitchell, Mrs. Tieman, and Mrs. McDowell. Mayor Carey was also present.

AGENDA ADDITIONS/DELETIONS

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

Council President Leary announced that a period would be set aside for public comments prior to each session.

PUBLIC COMMENTS

Mr. Michael Albert, Planner II, (522 Brandywine Drive, Bear), stated that he was speaking as an advocate for the employees who would potentially be laid off under some of the proposed budget plans for the next year. He felt that employees should explain their job duties and responsibilities and the amount of work that is required of each department. Noting that customer service and permit processing are priorities for the City, he advised members that these functions include two (2) of the positions that are potentially planned for a lay-off. Mr. Albert stated that during the past two (2) years, as the economy has waned, the Planning Department has taken on more responsibilities and an increased project load. He advised members that the department is currently responsible for a concern regarding a National Pollution and Discharge Elimination System (NPDES) Permit, which is an issue that was created as a result of a lack of proper staffing. He stated that if this concern is not adequately addressed within the next six (6) months, punitive Environmental Protection Agency (EPA) enforcement actions will result.

Mr. Albert felt that other departments would also encounter similar issues involving staffing, availability, and service that not only affect staff, but also citizens under some of the reduced budget plans.

2011/2012 BUDGET OVERVIEW

Council President Leary advised members that an introduction and presentation of the budget would be provided by Mr. Anthony DePrima, City Manager.

Introduction and Presentation/Revenue

Mr. DePrima provided a brief introduction and presentation of the 2011/2012 Draft Budget (***Exhibit #1)***. He noted that staff has provided members with three (3) plans to balance the budget which were designed to give Council the maximum flexibility to choose components from various options to build a plan best suited for the citizens. He advised members that Balancing Plan A is a policy plan, explaining that the base budget presented by staff meets all City policies and includes capital projects, strategic projects and salary requests that he felt merit consideration by City Council. He stated that an additional $3,595,666 would be required in the base budget, indicating

that a combination of cuts and revenues could be utilized to obtain the $3.6M needed. Mr. DePrima reviewed details for Balancing Plans A, B, and C. *(City Clerk's Office Note: Exhibits #1, #2, and #3 referred to in the Balancing Plans include Pages 15-18 of the Draft Budget.)*

In response to Mrs. Russell, Mr. DePrima explained that when considering a rollback to 2002 staffing levels, it was determined that the City operated with almost the same programs and, although there were fewer people, roads, etc., the rationale was that the City did manage to operate. With reference to capital projects and strategic funds, he stated that staff eliminated those projects necessary in to balance the budget, explaining that only those projects that are absolutely necessary were maintained.

Responding to Dr. McGlumphy, Mr. DePrima stated that the staffing rollback levels were conducted for General Fund departments only. Dr. McGlumphy suggested that staffing levels should be consistent for all Funds. He questioned why management has not been decreased at the same rate as staff. Referring to the Water, Wastewater, and Electric Fund staffing, Mr. DePrima advised members that a rollback is not proposed in these areas since the current staffing levels are lower than in 2002. He noted, in particular, that the Electric Fund currently has 19 fewer employees than in 2002 due to privatization, and that there would only be one (1) less employee for the Water Fund.

Mr. Hare noted that Balancing Plan A includes a reduction of 12 police officers. Mr. DePrima explained that the Police Department was held to the same standard as other departments. He reiterated that the City operated without these positions in 2002 and the Department was able to accomplish its functions at that time. Mr. DePrima noted that, since 2002, Council has added new functions to the Police Department, such as the Quality of Life Team, Sex Offender Team, School Resource Officer Team, etc. Mr. Hare noted that, in January, members of City Council were advised of crime issues in the City and it was determined that the Police Department was a major component in addressing these issues. He relayed concern, noting that the City is not able to roll back population or crime rate to 2002 levels and questioned why staff would make such a recommendation. Responding, Mr. DePrima stated that Balancing Plan A simply reduced the number of employees to 2002 staff levels; however, understanding the importance Council placed on various programs, he stated that staff developed different options. He noted that Balancing Plan C eliminates only one (1) police officer and that there are other options for Council to consider.

Mr. Hare recalled there were three (3) employees in the City Manager's Office in 2002; however, he noted that there have been no cuts in this department. Responding, Mr. DePrima stated that two (2) employees were brought from the Administrative Services Department to the City Manager's Office; therefore, there are no additional employees in the City Manager's Office.

Concurring with previous statements of Council, Mrs. Williams questioned why layoffs are not proposed across the board, including managerial and supervisory employees. She felt that staff should consider the staffing levels in 2001, noting that there were only three (3) employees in the City Manager's Office at that time, which included the Mayor, and that Duke Energy was the manager of the Power Plant and those employees worked for Duke. She felt that the staffing numbers proposed are skewed and requested that staff present to Council the 2001 staffing levels and compare the savings with the 2002 staffing levels. Responding, Mr. DePrima stated that there

has been an assumption that he reviewed the 2001 staffing levels and assured members that this was not the case. In addition, he stated that the City Manager's/Mayor's Office had four (4) employees (Mayor, City Manager, and two (2) Administrative Assistants). In regard to the Power Plant employees, Mr. DePrima stated that in 2002 these employees worked for Duke Energy, and today they work for North American Energy Services (NAES); therefore, the Power Plant employees have not been included in the proposals.

Mr. Anderson suggested that if 2002 staffing levels are being considered, then revenue levels should also be considered. He noted that the Electric Fund transfer was reduced from 8% to 6.5% because there was so much coming from transfer tax and that the additional monies were not necessary, which was a historic norm. He suggested that the City amend the policy back to the historic norm for the Electric Fund transfer to 7.99%, which would not affect the City's bond rating, debt repayments, or other obligations. Responding, Mr. DePrima referred to Pages 12 and 13 of Exhibit #1 and noted that in 2002, 23.9% of General Fund Revenue was from the Electric Fund, compared to 17% today.

Mr. Anderson questioned the amount represented by the 1.25% raises. Responding, Mr. DePrima stated that this expense amounts to $57,000.

Responding to Mr. Hutchison, Mr. DePrima stated that the majority of overtime expenses are within the Police Department and that this matter could be discussed further with the Police Chief. He noted that there are some overtime expenses in the Electric, Sanitation, and Streets departments which are mostly due to emergency situations.

Personnel and Salary Changes/ Salary Review

Mr. DePrima reviewed Pages 167 through 170 of the Proposed Budget and explained the process involved for requesting new positions as well as upgrades/position changes/step increases. He noted that the list includes all requests and that not all requests were included in the draft Budget. He advised members that there is an error in the salary amounts provided, explaining that the amount listed for the Library Clerk - Full-Time is the amount depicted for the Library Clerk - Part-Time and vice versa.

Responding to Mr. Hutchison, Mr. DePrima stated that the last market analysis was conducted in 2008 and that the City's policy requires this analysis to be accomplished every three (3) years.

Referring to the Community Development Director, Mr. Hare requested that staff provide market analysis information to justify the regrading of the position.

Dr. McGlumphy requested that the Human Resources Department provide Council with salary comparisons with other municipalities within the State of Delaware and not include information from other states. Responding, Mr. DePrima requested clarification as to the level of the comparison, whether it should include all positions or management positions only. He also noted that the market analysis conducted in 2008 included jurisdictions in the State of Delaware. He explained that the problem is that there is only one (1) comparable municipality in the State, the City of Newark, since most other communities are either too small or too large.

In response to Mr. Bonar, Mr. DePrima stated that a market analysis for all positions would be a massive undertaking for the Human Resources Department, which is currently reduced in staff and working on other responsibilities. He requested narrowing the scope and suggested that such an analysis be conducted on only non-bargaining employees and selected municipalities.

There were no objections to Mrs. Williams' suggestion that members be provided ample opportunity to review and discuss the budget and, if necessary, that additional sessions be scheduled.

Mr. Bonar felt that it is very disadvantageous for newly elected members of Council to be requested to review and approve a budget within the first few weeks of office. He suggested that the budget process begin at an earlier date and, if necessary, change elections to allow newly elected members of Council an opportunity to have all information. Responding, Council President Leary suggested that this suggestion be considered by the Legislative, Finance, and Administrative Committee.

Review of 2011/2012 Draft Budget - Selected General Fund Divisions

Mr. DePrima reviewed a Presentation of the Selected General Fund Division Budgets for FY 2011/2012 - May 17, 2011 (***Exhibit #2***). The line item details for each of these budgets were included in the packet presented to members.

Referring to the Mayor's Budget, Mr. Bonar questioned the benefits of the trip to Germany. Responding, Mayor Carey stated that the City has been trying to develop an exchange student program, this is a main "drop off" point for U.S. troops, hospitals in the area provide service to U.S. troops, and that there are several U.S. troop transfers in and out of Germany. He explained the importance of maintaining economic development and a good working relationship with Germany to show appreciation. He also advised members that a previous visit by others provided knowledge regarding operation of power plants, solar panel fields, etc., and that these ideas are exchanged to help with economic development for the City of Dover.

In response to Mrs. Williams, Mayor Carey explained that the Police Chief planned to purchase a new vehicle and preferred to utilize a used vehicle for the position; therefore, the Mayor's new vehicle was purchased by the Police Department and the Police Department acquired the Mayor's 2000 Ford Taurus.

Dr. McGlumphy reminded members that a few months ago, several organizations came before City Council to explain the benefits of membership. He suggested that all organizations be required to make such presentations, with the exception of the national organization, in which he felt membership may not be necessary. Dr. McGlumphy requested that details for all 30-27 and 30-28 line items for each department be provided to members with an explanation for the need. Responding, Mrs. Tieman stated that the Budget details were supposed to be included in the material provided to members and assured members that this information would be distributed.

There being no objections, Council President Leary declared a brief recess.

Meeting recessed at 5:34 P.M. and reconvened at 5:51 P.M.

Review of 2011/2012 Draft Budget - Selected General Fund Divisions (continued)

Mr. DePrima continued the review of the 2011/2012 Draft Budget, beginning with the City Manager's Office. Responding to Mr. Lynn's questions regarding the legal expenses included in the City Manager's Budget, Mr. DePrima stated that the majority of the expenses are for City Solicitor fees. With regard to bids for City Solicitor services, Mr. DePrima stated that, according to the Purchasing Contract Manager, this has been accomplished in the past.

Mr. Hare requested that the details for line items 10-18 for each department be provided to members. Mrs. Tieman assured members that details for each line item for each department will be provided.

At the request of Mr. Hare, Mr. DePrima stated that staff would provide members with a list of those employees that have City vehicles that they use and take home.

Responding to Mr. Anderson, Mrs. Hawkins stated that there is a stipulation that requires the City to reimburse some retirees for the cost of their Medicare Part B Premiums, which is deducted from their social security payment. This benefit has been eliminated from the three (3) unions and for new hires; however, it remains for non-bargaining employees. She did not have information regarding the annual cost of providing this benefit.

In response to Dr. McGlumphy, Mrs. Tieman indicated that, in addition to salaries, the salary line items (10-11) can include vacation sell-back, retirement, stand-by pay, etc.

Responding to Mr. Lynn, Mrs. Traci McDowell, City Clerk, stated that much of the City Clerk's Office work has time constraints, explaining that the law requires agendas to be posted within a certain period, minutes must be made available within a certain period, etc. She confirmed that it would be difficult for the City Clerk's Office to continue the current work if there was any reduction in employees. She advised members that she asked her staff to provide her with a statement regarding the effect that losing an employee would have on the office. Mrs. McDowell read the following statement:

- Packet and meeting schedules have a short turnaround time and, due to electronic documents, packets are getting more and more cumbersome. Extending most of these deadlines is not an option as they are fixed by law.

- Meeting schedules result in reduced time to work on "routine" issues or long-term projects. Apart from meetings, the Clerk's Office oversees a number of "routine" matters (which are rarely routine due to the large number of special circumstances and the complexity of the issues considered), such as elections, rezonings, alley abandonments, annexations, adoption of ordinances, recording of legal documents such as easements, etc. Each of these matters involves a lengthy, detailed, step-by-step process. Failure to develop, implement, and abide by these procedures can leave the City vulnerable to lawsuits and significant monetary losses.

- The job duties of Clerk's Office staff require a vast amount of specialized and detailed knowledge regarding the City's Municipal Code; parliamentary procedures; election procedures, records retention; database management; technology related to recording software and variety of computer programs; implementation of the Freedom of Information Act; and a number of municipal procedures. Because staff play such a pivotal role between Council and the City staff/public, the implications of failure to understand this information are serious. It takes up to three years to acquire a solid base of knowledge to function well in the office. A great deal of on-the job training has been invested in the current employees, which makes them more valuable than their salaries indicate.

- Consequences of being short-staffed are increased stress on staff, decrease in efficiency and quality of work, and possible employee turnover, which we cannot afford. Responsiveness to Council, staff, and the public would also be reduced.

- We have had a steady increase in FOIA requests including over 40 requests in the current fiscal year. Some of these have been very complex, requiring coordination between departments, legal opinions, and detailed responses, as well as new State-imposed deadlines.

- Postponement of Certification and Training which would improve employee effectiveness.

Dr. McGlumphy suggested that these concerns could probably be relayed by all City departments. He cautioned members that if staff levels were returned to 2002, there should be an understanding that service would be affected. However, he also urged members to understand that the City's expenses must be within their revenues.

Referring to the Customer Service budget, Mr. Hare questioned the savings that would be realized by sending bills to Wilmington for distribution. Mr. DePrima reminded members that an analysis was conducted when this concept was proposed and stated that this information would be redistributed to City Council.

With regard to questions raised by Mr. Hare concerning online credit card payments, Mr. DePrima assured members that he would provide members with the Committee Action Form that includes details regarding the savings provided to the City by having a third party handle these transactions.

Mr. Anderson questioned the cost of mailing utility bills. Responding, Mrs. Tieman indicated that this research has not been conducted for several years and suggested that staff again review this matter.

Mr. DePrima relayed appreciation to Mrs. Tieman and her team for discovering that meter reading equipment can be installed on trash trucks to collect data, thereby eliminating the need for an individual to perform this task.

In response to Mr. Hare, Mrs. Tieman indicated that Page 206 of the Draft Budget is incorrect and that a corrected copy would be included in the final draft. In addition, Mr. DePrima invited members to visit the Customer Service Department to get a better understanding of its positions and their functions.

Without objection, Council President Leary indicated that the Budget Review would continue tomorrow, May 18th, at 6:00 p.m. with the review of Item #5-G - Finance.

Meeting recessed at 7:02 P.M.

WEDNESDAY, MAY 18, 2011 - 6:00 P.M. - 9:00 P.M.

The Special Council Meeting reconvened on Wednesday, May 18, 2011 at 6:00 p.m. with Council President Leary presiding. Council members present were Mrs. Russell, Dr. McGlumphy, Mr. Lynn, Mr. Bonar, Mrs. Williams, Mr. Hare, and Mr. Hutchison. Mr. Anderson was absent.

Council staff members present were Mr. DePrima, Mrs. Mitchell, Mrs. Tieman, and Mrs. McDowell. Mayor Carey was also present.

PUBLIC COMMENT PERIOD

Mrs. Dawn Melson-Williams, City of Dover Principal Planner (120 Derbywood Circle), read the following statement into the record:

> "From its earliest history the City of Dover has been a planned community. From the initial directives of William Penn to layout the town in 1683 and platting of The Green to the early developments of the town as a residential and commercial center in Kent County to the extensive annexation and industrial expansions of the 1960s through the present day governmental, economic and cultural center, 'planning' initiatives have been at work. Planning may be considered a behind the scenes activity, but the results of these activities are quite visible on the landscape we see every day.
>
> The City of Dover Planning Office is involved in a range of activities that have long term impacts for the quality of life that our citizens and visitors enjoy in Dover. Just to give two examples of the "behind the scenes" work of planners are the work related to activities highlighted in news stories on the front pages of today's newspapers: NASCAR Weekend at Dover International Speedway and the ground breaking for the new Dover High School project. Both facilities went through an application process with the Planning Commission requiring review and approval plans, report writing, inspections, etc. by planning staff. Other activities that you may not realize include Planners serving in the field as part of the City's Command Post for incident management and vendor licensing during Race Week. For the school

project, Planning Staff has participated in and continues to participate in numerous meetings with the school district, design engineers and architects, etc. on what will be perhaps the largest public project of our careers for the construction of a 315,000 SF high school building and associated site facilities on over a 100 acres of land.

To describe the Planning Staff, I would use the words of knowledgeable, professional, helpful, flexible, and dedicated to their responsibilities and the City. Our work, while it may not be as visible as the weekly collection of your trash or the daily supply of water and electric service that arrives at your house or business, we have an impact even with those somewhat ordinary (and expected services). We have to be knowledgeable of the 23 square miles of the City and the associated rules and regulations (what street do you live on – what is the zoning and what does that mean you or your neighbor can do or build. As planning professionals, the three planners and the Planning Director are all AICP certified (American Institute of Certified Planners – an achievement that's the equivalent of licensure for our profession). We are helpful to customers calling or visiting City Hall for information on the rules for items like where you can build a fence to developers proposing construction of new residential units or commercial buildings within the City. We are flexible in our daily tasks as we field and tackle multiple duties and responsibilities for the Planning Commission, Historic District Commission and Board of Adjustment that we support in addition to special projects and tasks in a variety of areas like the Comprehensive Plan and NPDES permit (stormwater permit). We are dedicated to working with other City departments and work with outside agencies like the Dover Kent County MPO. We all readily take on the tasks delegated to us from the Planning Director even if it's outside our typical planner job duties such as support to the committees of the Downtown Dover Partnership, GIS mapping updates and Census data. Please remember that while there are a total of four planners on staff, the administrative responsibilities of the Planning Director as a Department Head and an administrator of multiple divisions affects her availability for participating in the daily hands-on planning needs which then fall to the remaining three planners in conjunction with our one administrative assistant.

Having been employed here in the Planning Office for just over nine years I have seen the impact of limited staffing. From requiring outside assistance to draft the 2003 Comprehensive Plan Update when there were only 2 planners on staff at the time to regularly having to work more than a 40 hour week and evening hours to meet prescribed regulatory deadlines or attend meetings. Even as the economic marketplace may have slowed development activities, our staff of four planners is still busy. For example in calendar year 2010 Planning Staff reviewed 800 Building Permit applications in conjunction with the Inspection Division for things such as fence, signs, renovation projects, and new buildings to ensure compliance with the Zoning Ordinance. We are out in the field completing Certificate of Occupancy Inspections for planning and zoning compliance and researching and drafting text amendments to the Zoning Ordinance. Hopefully, this statement has begun to show the importance of a fully staffed Planning Office. I can honestly say that every day

> in the Planning Office is different and presents new challenges to address. Myself and the other members of the Planning Staff are dedicated to serving the citizens, elected and appointed officials, and all others whose paths in life may travel through Delaware's capital city."

Mr. Kenneth Clendaniel, Building Maintenance Craftsperson II (3867 West Denney's Road), advised members that he serves as the President of IUE/CWA Union for City of Dover, which represents 160 positions employed by the City and that there are currently 150 employees. During the 2009/2010 Budget Review, the City Manager approached all City unions requesting the consideration of furloughs. He stated that furloughs were instituted that year and the IUE/CWA developed 48 proposals for revenues and cost savings, which were reviewed by the Legislative, Finance, and Administration Committee and addressed by the City Manager. Mr. Clendaniel stated that only one (1) of the revenue/cost savings has been instituted, and no action has been taken on the other 47 proposals. In preparing for next year's budget, he advised members that the City Manager met with all City unions once again and advised the members of the layoff proposal. He noted that Plan A proposes the layoff of 33 positions, equating to 38 employees, 13 of whom are members of the IUE/CWA. Although there are no Electric Department employees in the IUE/CWA, he stated that there are Water Department employees. Understanding that Electric and Water Departments generate money for the City, Mr. Clendanial explained that other departments, such as Central Services, Customer Services, and Public Services, save the City money. Although these departments are within the General Fund, he indicated that the services provided by these departments include Electric and Water Fund Departments. He indicated that the employees work for the City of Dover (one (1) entity) and not a specific department.

Referring to recent newspaper articles, Mr. Clendaniel noted that, although the State of Delaware and Kent County are affected by the same economics as the City of Dover, they are capable of providing their employees pay raises. In 2002, he reminded members that Council was made aware that the City would be required to add funds for Other Post-Employment Benefits (OPEB). To his knowledge, Council budgeted $84,000 at that time and that since that time, no additional funds have been budgeted. Now there is a short-fall for the other post-employment benefits. He cautioned members to consider the effect layoffs would have on the City and suggested that Council consider transferring required funds from the Electric and/or Water Funds and accept Budget Plan B presented by the City Manager.

Mr. William Neaton, City of Dover Economic Development Director (51 Sackarackin Avenue), advised members that for the past two (2) years, he has had the opportunity to work for the City of Dover. Prior to this, he was in the private sector for over 30 years. As addressed to employees during a recent "Employee Appreciation Day," he stated that, without exception, the City of Dover has a group of professional, dedicated and hard working employees. He has had the opportunity to live in nine (9) states, various cities, and indicated that he chose Dover, Delaware as the location to live, work, and raise his family, which has been the best decision he has ever made. He stated that it is Council's responsibility to assure that future generations have the opportunity to make this same "best" decision.

Mrs. Tracy Harvey, City of Dover Community Development Manager (334 Mystic Lane, Magnolia), read the following statement into the record:

> "Recently questions have been raised regarding the salary of the Community Development Manager based on the amount of grant funding the city receives as an entitlement community. The federal reporting and program requirements to effectively manage this program are the same regardless if it is a $300,000 or a 3 million dollar grant. Since the initiation of the Neighborhood Stabilization Grant awarded to the City in 2009 for $1.5 million dollars to purchase foreclosed properties and remodel them to sell to income qualified homebuyers, the community development office has exceeded that goal by expending $1,527.000.00 including program income the city received through the sale of affordable properties. For each property sold, the community development office receives 10% for administrative cost. The City received a total of $33,418 in administrative cost from 2009 to present and there is still a balance of $56,576 in administrative cost available in the original allocation to be drawn down that will offset administrative cost for the CDBG program. For fiscal year 2010, there was no funding used from the general fund to supplement my salary. After March 13, 2013, all NSP housing proceeds will go directly to the CDBG grant fund increasing the grant allocation and program administration with no cost to the City to supplement my salary from the general fund."

Dr. McGlumphy thanked those who addressed members and requested that the City Clerk's Office provide these statements to members in written form. He stated his belief that those who know what is "going on" in the City, are those employed by the City and their input provides Council the opportunity to better understand their decision.

MISCELLANEOUS INFORMATION

Based on the previous evening's discussion, staff provided members with additional documents. Mrs. Tieman reviewed the additional documents, as follows: 1) Memorandum dated May 18, 2011 - Updated Draft Budget Pages ***(Exhibit #3)***; 2) Memorandum dated April 19, 2010 - Lockbox and Remote Deposit Services Analysis ***(Exhibit #4)***; 3) Line Items (30-27 Subscriptions and Dues, 30-28 Training and Conference, and 10-18 Educational Assistance) by Departments/Divisions ***(Exhibit #5)***; and 4) Overtime by Division ***(Exhibit #6)***.

Review of 2011/2012 Draft Budget - Selected General Fund Divisions (continued)

Mr. DePrima continued the review of the 2011/2012 Draft Budget, beginning with the Finance Department. At the request of Mrs. Williams, Mrs. Donna Mitchell, Controller/Treasurer, indicated that she would have to conduct research to determine if there are any redundant memberships. Concurring, Mr. Bonar questioned if there are individual memberships to the International Association of Chief of Police, Fire Association, planning associations, etc., and if there is a possibility of consolidating memberships to one (1) membership per office.

As requested by Mr. Lynn, Mrs. Mitchell stated that she has prepared a statement that has been provided to members regarding the elimination of staff for the Finance Department ***(Exhibit #7)***.

Responding to Dr. McGlumphy, Mrs. Mitchell stated that staff has been implementing ADP for approximately six (6) months. She explained that there are three (3) modules (Payroll, HR, and Time and Attendance) that require conversion. She stated that all departments have been cooperative with the Finance Department and the City Manager has been very helpful in assuring that assistance is provided when necessary. Mrs. Mitchell noted that because the Department is small in size, the workload gets behind when employees are granted leave. She felt confident that the ADP system will be in full operation by July 31, 2011.

Referring to the Human Resources Budget, Mrs. Kim Hawkins, Human Resources Director, advised members that personnel costs have increased due to an employee's eligibility for retirement and the inclusion of "payout" for accumulated sick and vacation time. She echoed the comments made by fellow department heads regarding their concerns about the proposed reduction of staff. She stated that the Human Resources Budget is not exposed to a staff reduction due to a 25% reduction in 2009. She reminded members that the Human Resources Department has historically been staffed with three (3) employees. In 2006/2007, Mrs. Hawkins advised members that this department assumed full responsibility for risk management, including insurance claims and lawsuits for the City. She stated that, with a staff of three (3), as the Director, she has had to become more involved in the daily aspects of the department and has had less time to direct to her duties as the department head. She advised members that the Human Resources Department is responsible for recruitment, benefit administration, risk management, discipline, mentoring and advice for employees, labor negotiations, incident investigations, retirement, policies, DOT compliance, etc.

Responding to Dr. McGlumphy, Mrs. Hawkins stated that, although she conducts an analysis to determine those employees who are eligible for retirement, employees are to notify their department head of their intention to retire for inclusion in the next year's budget.

In response to Mr. Bonar, Mrs. Hawkins indicated that the policy regarding notification of retirement is included in the Employee Handbook, and requires two (2) weeks notice for non-exempt personnel, and four (4) weeks for exempt personnel, with an additional stipulation requiring 45 days if the employee is seeking terminal leave. Mr. Bonar suggested that this policy be reviewed for possible amendment to require employees to provide additional time for notification of retirement.

Mr. Hare questioned if the City could mandate retirement notification. Responding, Mrs. Hawkins stated that the policy is provided as a courtesy and that there is an understanding when situations with extenuating circumstances arise.

Responding to Mr. Hare's request for copies of all job descriptions, Mrs. Hawkins indicated that she is working with the City Clerk to provide this information.

In response Mr. Hare regarding the hiring freeze established on February 23, 2009, Mr. DePrima explained that prior to the hiring freeze, Council was not involved with employee recruitment. Since the hiring freeze, staff created a critical requirement form and, if requirements are met, the requested position is submitted to the Legislative, Finance, and Administration Committee for their review and recommendation to City Council.

At the request of Mr. Bonar, Mr. DePrima stated that staff would need to determine how many positions have been vacant for over one (1) year. He advised members that if a position has been vacant for more than one (1) year, staff purges it from the budget. Mr. Hare noted that in 2008 there were 377 employees and in 2011, there are 377.5 employees; therefore, he questioned what the freeze has accomplished.

Responding to Mr. Hutchison, Mr. DePrima stated that Council was advised of the City's financial situation during the Council Retreat earlier in the year when Council directed staff to prepare the budget in accordance with City policy (as it relates to transfers). Staff did not realize that $1M would be required for OPEB and the costs for the Pension unfunded liability. Mrs. Mitchell explained that, although staff has always been aware that the costs for OPEB are extreme, staff did not realize the percentage of payroll involved and the effect on the proposed budget. However, the Pension unfunded liability increased approximately half of $500,000, which was not known until the recent actuarial analysis was completed.

Mr. Hutchison questioned how many employees had been hired since January 1, 2011. Responding, Mr. DePrima stated that there have been seven (7) employees hired, as follows: 1) a Ground Worker for the Electric T&D Division; 2) a Public Utilities Construction Manager; 3) a LAN Analyst for the IT Department; 4) an Administrative Assistant Position in the Police Department has been approved (although not filled and not expected to be filled until September 2011); and 5) four (4) additional Police Officers. Mr. Hutchison requested that staff provide the names, salaries, and total costs for the positions.

Referring to the Information Technology Budget, Mr. Siegel noted that in 2002 the Department handled four (4) servers, 180 computers, and the same number of staff. In 2011, he stated that there are nine (9) servers at 5 East Reed Street, the IT Department now supports the Police and Fire Departments (two (2) servers) and the Power Plant (1 server), and a complete phone system. He stated that there are over 300 computers and that the workload and complexity of the work has increased exponentially since 2002, with the same number of IT staff. Although a decrease in staff is not proposed, he wanted members to be aware that the work has increased significantly for the Department.

In response to Mr. Bonar regarding the Cisco VOIP System, Mr. Siegel stated that one (1) of the reasons funds are being requested for upgrade of the system at this time is because the software upgrade can be integrated with existing hardware, whereas the next generation of software will not work on existing hardware. The upgrade would allow the City to keep the hardware in operation for another year or two (2) before the City would need to consider replacement. As a result, it was staff's opinion that this is the most opportune time. In addition, he advised members that some of the problems being experienced are the result of software integration between the phone system and the computers. The software does not work with Windows Vista or Windows 7. Mr. Siegel noted that the City must move forward and cannot continue to operate on an operating system dated 2005. In order for this to be accomplished, it is necessary to upgrade the software on the phone system at an estimated cost of $12,600, and perform "back" maintenance (a total $41,295 to upgrade all maintenance). Mr. Bonar requested that staff provide details regarding the costs for the software system as well as the maintenance costs.

Responding to Dr. McGlumphy, Mr. Siegel stated that there were not enough funds included in the current budget to pay for the maintenance. He explained that prior to last year, maintenance was handled by Facilities Management; therefore, the IT Department staff did not have the required information to budget accordingly. When this was realized in mid-year, IT staff decided not to upgrade the maintenance by removing the $36,000 from the budget and put it in the proposed budget as a "catch up" at a total cost of $41,295.

In reviewing the Tax Assessor's Budget, Ms. Cheryl Russell, Tax Assessor, read the following statement into the record:

> "The Assessor's Office has only 3 full-time employees. The impact of losing one employee from our office would have a great negative impact on our already small department.
>
> This office maintains a very detailed property assessment system for approximately 12,000 parcels with an assessed value of approximately 4.4 billion dollars. The functions of this office also include but not limited to maintaining abatement programs; appeal hearings (informal and formal); maintaining values for annual billing and supplemental billing; Processing Deeds for stamping and Transfer Tax; and analyzing and reviewing building permits for valuation.
>
> Each employee serves a different function:

The Assessor:	**Department Head/Supervisor** All Administrative functions Field Work Defending City of Dover Assessments Generating values for new construction (building permits) Sales Ratio Studies
Administrative Assistant:	**Administrative Function** All correspondence in/out of the department Senior Citizen Exemptions Disability Exemptions Farm Land Audit Exemption Audits Income and Expense Mailing Deed Transfers Phones Transfer Tax Assessment Registers Appeal Minutes Copying and mailing of Appeal Information to Board Members

Residential Technician: **Primarily Field Work**
Administrative Functions when needed (limited to phones/transfer tax/accepting applications)
Daily Permit Activity (field work and data input)

This office was fortunate to have an audit/study performed by the International Association of Assessing Officers in 2008. In this study, it was recommended that this office be staffed by 5 to 6 employees. During the presentation to Council, there is a power point slide titled "Future Direction of Assessor's Office" which states that "the Assessor's Office needs to be staffed adequately to be able to maintain current processes."

This office is running smoothly in an off-revaluation year. All three employees do their job well and efficiently. Each employee helps out when and where needed; especially during vacation and sick days; which has allowed us to not have to request additional staff at this time.

If we were to eliminate a position within the department:

- Vacation and/or sick days would force an employee to either work a 9.5 hour day or close the office during a lunch hour.
- If an employee is on vacation and the 2nd employee has an emergency it could also force the closure of the office for a period of time.
- Working over-time to maintain the level of current processes and efficiency would be required."

In response to Mrs. Williams, Mrs. Russell stated that it took about one (1) year to complete the 4,000 building permits processed. She stated that a Residential Technician was hired at approximately $30,000 annually to assist with updating the building permits and assured members that this employee has been maintaining and keeping the data current. She confirmed that the Assessor's Office is currently up to date. She indicated that there are approximately 60-75 building permits per month.

Review of 2011/2012 Draft Budget - Selected General Fund Divisions

Mr. DePrima reviewed a Presentation of the Selected General Fund Division Budgets for FY 2011/2012 - May 18, 2011 (***Exhibit #8***). The line item details for each of these budgets were included in the packet presented to members.

With reference to the discussion regarding staffing levels, Mr. Zachery Carter, Director of Parks and Recreation, advised members that in 2002, there were six (6) full-time employees in the Parks and Recreation Department. Since that time, he stated that the City has greatly increased the programming, special events, activities, etc., being offered to the community. He reminded

members that three (3) years ago, the 20,000 sq. ft. John W. Pitts Center opened, which gave the department two (2) facilities to operate and man. Mr. Carter noted that approximately 60,000 patrons utilize the facility, which is made available seven (7) days per week. He stated that when the Center was opened, only four (4) additional part-time employees were hired, who manage the facility during the evening and weekend hours, which are the times of most frequent usage. Should these positions be eliminated, it would eliminate the ability to make the facility available during the evenings and weekends.

Responding to Mrs. Williams, Mr. Carter stated that the Dover Park (White Oak) Facility continues to be utilized, indicating that during the past year there were 167 rentals of the facility. He advised members that there are occasions when there is only one (1) employee located at the Dover Park, as well as the Pitts Center (during weekday hours), which raises safety concerns. As discussed in the CIP, he stated that it would be more efficient for the City to provide one (1) recreational facility. In the future, it would be ideal to expand the multi-purpose room at the Pitts Center to accommodate the activities conducted at the Dover Park and include room for staffing at the Pitts Center which would allow the City to be more efficient.

In response to Mr. Hutchison, Mr. Carter stated that he could not provide an accurate number of participants at the Recreation Centers at this time; however, in regard to leagues, there are now 57-60, compared to approximately 40 softball teams in 2002. In addition, he stated that there is a field hockey league which consists of 35-40 teams and an indoor field hockey league consisting of 35-40 teams, with 20 participants on each team. Since the Pitts Center has opened, Mr. Carter stated that attendance has increased 10% or more each year during the past three (3) years. Mr. Hutchison requested that staff provide details regarding the number of participants at each facility.

Mr. Hare questioned how much revenue is generated from the facilities. Responding, Mr. Carter stated that during the past year, $149,000 in revenue was received. Although there currently are no charges for use of the open gym at the facilities for residents or non-residents, he stated that there is a large number of individuals using the open gym and that he has discussed the possibility of charging for this use with the City Manager. He confirmed that presently there are more non-residents utilizing the facility than residents (52% non-residents); however, this is changing and more and more residents are utilizing the facility each year.

Mr. Lynn relayed concern that instituting fees would discourage usage and that the users would find less productive endeavors in which to engage. Responding, Mr. Carter felt that instituting fees would not affect the usage.

Concurring with Mr. Lynn, Mrs. Russell relayed opposition to instituting fees for use of the gym. Mr. Carter advised members that the history of the department indicates that 97% of the programs offered are fee based. He suggested the possibility of charging a fee for the use of the gym for non-residents and no charge for residents.

Responding to Mrs. Williams, Mr. Carter stated that there is no air conditioning in the gym and, although he was not concerned about the cost of installation of air conditioning, he relayed grave concerns regarding the operating costs.

Mr. DePrima stated that, should a majority of Council wish to institute a fee for non-residents to use the open gym, staff would develop an estimate to include in the proposed budget. He advised members that the reasoning for not charging a fee was that there was so much opposition to doing so for City residents. He stated that it was a conscious decision not to charge Kent County residents since the County contributed $300,000 towards the building of the Pitts Center and there was a belief that Kent County would be building a gym in the near future. He stated that it was staff's belief that there would be some reciprocity for gym usage between these two facilities. It was his feeling that enough time has passed for the City not to charge non-residents and showed a good faith effort; therefore, he indicated support for charging a nominal fee for gym usage for non-residents.

There being no objections, Council President Leary declared a brief recess.

Meeting Recessed at 7:53 P.M. and Reconvened at 7:54 P.M.

Review of 2011/2012 Draft Budget - Selected General Fund Divisions (continued)
Mr. DePrima continued the review of the 2011/2012 Draft Budget, beginning with the Library.

Referring to the Library Budget, Ms. Margery Cyr, Library Director, read the following statement into the record:

"1. Thank you for giving me the opportunity to speak with you tonight about the Library and its budget.

2. Proposed reduction in staffing:

   a. Of the 7 positions, 3 are currently vacant:
      i. 2 of them since 2009
         1. 1 FT Library Clerk II Children's Department
         2. 1 PT Library Clerk I Circulation Department
      ii. 1 of them very recent: PT Library Page
      iii. Please do not believe that these positions are not needed by the Library. They are badly needed.
   b. At full staffing, the reduction of 7 positions is a 24 % staff reduction.
   c. At current staff level with the 3 vacancies, the reduction of 4 positions represents an 18% staff reduction.

3.) Comparison of volume levels from 2002 to 2010:

Comparison

	2002	2010
Books Circ:	101,609	138,931
Audiovisual Circ:	12,578	15,572

Total Circ:	**307,533**	**375,632**
Interlibrary Loan:		Loaned to other libraries for their customers' use: **34,422** Borrowed from other libraries for Dover for our customers' use: **34,033**
Total ILL :	**68,455**	
Visitors:	**181,412**	**390,612**
Computer Use:	**18,629**	**55,397**
Programming:	**unknown**	**Child's: 214 programs/7,958 attend** **Teen: 42 programs / 467 attend** **Adult: 146 programs / 1,473 attend**

4. The Library is currently open 68 hours each week. There are significant and devastating consequences to public service of staffing reduction at these levels. Probable consequences are:

   a. Closing Sundays, one evening/week, and holidays which the Library remains open while the City of closed.
   b. Reduction of enrichment and information programming at all levels: Children's, adults, teens.
   c. Potential need to regularly close the children's department in order to maintain adequate staffing levels to ensure safety and security in the building.
   d. Potential loss of revenue from State Aid for meeting standards of Anchor Library.
   e. Potential loss of revenue from Kent County Reciprocal Borrowing reimbursement.
   f. Seriously compromised quality of customer service.
   g. Seriously compromised staff morale.

5. Kent County Reciprocal Borrowing Reimbursement Agreement:

   a. Agreement put in place in 1994 between the libraries in Kent County and the Kent County Levy Court. Provides per item reimbursement for each library item which is checked out to Kent County residents who are not residents of a municipality when that item is borrowed from one of the municipal libraries.
   b. The current reimbursement rate is $2.65 per item checked out.

c. The annual amount reimbursed to the municipal libraries is dependent on the number of qualifying circulations. To the City of Dover, this is typically between $400,000 and $450,000 of income to the City per year."

Mr. Lynn stated his understanding regarding the needs of the library as they relate to providing services to some of the more vulnerable portions of the community, such as children and seniors. He felt that libraries have a demonstrable effect in improving literacy rates among children. He noted that Budget Plan A is predicated on staff reductions and questioned which programs would be eliminated for children if there was a staff reduction at the Library. Responding, Ms. Cyr stated that there would be a reduced number of pre-school story times, after-school activities, and weekend activities. She noted that the Library has worked very hard during the past two (2) years to develop a program that meets the needs of a very diverse audience of teenagers in Dover. She reminded members that teenagers can only use the Library during after school hours and weekends. If the Library faces closure, not only would the Library not be able to provide activities for them but the Library facility itself would be unavailable for their use. In regard to seniors, Ms. Cyr stated that seniors currently participate in the computer training programs offered by the Library and use the facility for reading newspapers and magazines as well as borrowing books; therefore, a lack of access to the Library would definitely impact the seniors as well.

In response to Mr. Hare, Ms. Cyr stated that an additional $400,000 is necessary in order to obtain full funding for the new library. In regard to the $4M bonds for the Library, Mr. DePrima explained that he and Mrs. Mitchell presented a proposal to Council to float a $4M bond, which would not only assume some of the debt for the new Library but also address other capital expenses for the City, mostly street funds. He noted that the idea is to take some of the Library Reserve money to pay off the debt service for the larger bond issue until 2017, when the City would have no debt, and then the City would pick up debt service after 2017. He stated that this concept has been included in Budget Plan C. Mr. DePrima noted that the $400,000 is in addition to the bridge loan and the Green Energy Fund loan.

At the request of Mr. DePrima, Mrs. Mitchell further explained that the idea of issuing a bond was to cover the Green Energy loan, in the amount of $1.5M, which must be financed, and would be paid with monies received from the Green Energy Fund which are included on customers' electric bills. An amount of $1.2M was included for the sale of the existing Library, which would not be sold until after the funds are needed, as well as an additional $2M. She explained that this would "free up" $2M in the Library Reserve to pay for other capital projects, and the Library and Street Program would be bonded. The City would maintain the same level of debt service after 2017 and the current debt service increase would be paid by the Library Reserve funds.

Mr. Hare questioned how much money the new Library will cost residents, explaining his feeling that the citizens are not aware of the true numbers involved with the new Library. Responding, Mr. DePrima stated that the City has been very transparent regarding the funding for the new Library and that he would provide members with the funding plan information.

Responding to Mrs. Williams, Mrs. Mitchell stated that the concept of bonding the projects was developed due to the projects being multi-generational uses. She explained that, rather than placing the burden of the cost for a 20-year facility on current rate payers, the bonding would allow for future generations to help pay for it through debt service payments each year.

Understanding this concept, Mrs. Williams questioned how much money would be available for a bond if a catastrophic event occurred, or if a situation arose that created a very expensive need for the City. Responding, Mrs. Mitchell stated that, according to the City Charter, the City can bond up to $7M annually and that there is a cap of 1% of the assessed value, which would equate to approximately $23M that the City could not exceed. Currently, she stated, the City's debt service is under $3M for the General Fund.

Noting that bonding is an important component for the budget, Mr. DePrima suggested that staff provide members with the original bonding presentation to promote a better understanding.

In response to Mr. Leary, Ms. Cyr stated that the Library continues to utilize two (2) retired workers who are provided by a program offered by the Modern Maturity Center, which is funded by Federal Grant Funding to provide part-time work for older, retired workers. She stated that recently this funding has been reduced and the hours have been cut back to 16 hours per week for each worker.

Responding to Mrs. Russell, Ms. Cyr stated that the Library did have an intern, a Library School Student, who provided assistance in the Children's Department.

Referring to Page 13 of the Draft Budget, Dr. McGlumphy requested clarification with regard to the new positions approved for the Library. Responding, Ms. Cyr noted a typographical error in the third sentence of the fourth bullet and that the one (1) full-time Librarian II position should be a Library Clerk II, and the one (1) part-time Librarian I position should be a Library Clerk II. At the request of Mr. DePrima, Ms. Cyr explained that a Librarian is a professional who has received a Masters of Library Studies Degree and provides assistance to customers in terms of assisting readers, answering advisory questions, and planning and implementing programs for the public. She stated that a Library Clerk requires a high school diploma and provides direct customer service, mostly checking in/out material and answering directional questions.

At the request of Mrs. Williams, Ms. Cyr stated that a Library Page is responsible for putting books and materials back on shelves and keeping them organized.

Referring to the Public Services Department, Mr. Scott Koenig, Public Services Manager/Director of Public Works, reviewed the wide range of services provided by the Public Services Department. He stated that these services are provided in an effort to support the City's mission, vision, and critical success factors. He noted the changes that have occurred in the City during the last 10 years. He reminded members that the City went through a very large period of annexation and growth in commercial stock in buildings and residential development. He noted that, although such growth has slowed down recently, it continues in the City and all these additions have an impact to the Public Service Department. In addition, Mr. Koenig noted that the department has been faced with an increased amount of regulations, such as those associated with stormwater, sanitation, street sweeping, environmental cleanups, etc. He stated that there are 58 budgeted positions within the

department and each is critical to the success of the department. Mr. Koenig relayed his utmost satisfaction with the work done by each of these employees; however, he noted that the department is faced with a number of back-ups and requests and is sometimes criticized with respect to customer service and responsiveness. He explained that the economy has changed substantially during the past 10 years, and with the addition of email, PDAs, computer access, etc., requests are received 24 hours per day, seven (7) days per week. He stated that there is an expectation of very timely, quick, and detailed response. Mr. Koenig advised members that this level of responsiveness takes a toll, explaining that the amount of information provided to members of Council and the information expected by customers requires planning, interaction, and manpower to accomplish. He noted that there are five (5) positions scheduled for elimination in the Draft Budget. Mr. Koenig advised members that if these positions are eliminated, the other employees will be required to pick up the workload. It was his opinion that there is a fairly stressed out workforce across the City and that there will be a toll for any additional responsibilities. Although he understood the fiscal constraints, he explained it was his responsibility to advocate for the Public Services Department.

Responding to Mrs. Williams, Mr. Koenig reminded members that in 2004, there was a proposal which indicated an estimated $1.5M each year for street maintenance. Considering the prices of asphalt and concrete today, it would cost $2M each year for street maintenance with a 20-year removal and renewal schedule. Staff submits a $1.5M budget request, which includes approximately $800,000 to $1M of Community Transportation Funds and the balance through the General Fund. He stated that the General Fund monies have been reduced in recent years to approximately $350,000 and the City's ability to obtain Community Transportation Funds related to street improvements has fluctuated annually from nearly $1M to only $250,000 to $300,000; therefore, the funding source for the street program is volatile. He confirmed that in order for the City to be proactive rather than reactive, the City would need $2M per year. If streets continue to be delayed, he anticipated that there would be a 20% increase in costs in the future.

In response to Mr. Bonar, Mr. Koenig stated that the last major cash infusion to the water and sewer system was for the bond issue related to the Water Treatment Plant and McKee Run Pump Station. There were funds included in the 2005/2006 Budget for the Pump Station #7 Upgrade. Mr. Bonar stressed the importance of the City being proactive with regard to water, sewer, streets, and other utilities; otherwise, he felt that the City will realize significant problems in the future. He noted that it is the responsibility of members of Council to take appropriate action in this regard.

Dr. McGlumphy recalled that Mrs. Sharon Duca, Water/Wastewater Manager, would provide an annual report on utility projects and suggested that members be provided an update.

Referring to the Economic Development Office budget, Mr. Hare questioned expenses included for account #30-91, Economic Development, in the amount of $26,000. Responding, Mr. Koenig stated that the $26,000 budgeted represents the annual payments made to the Kent County Tourism Office in the amount of $15,000 and Kent County Economic Development Partnership in the amount of $11,000.

Responding to Mr. Hare regarding the Life Safety Budget, Mr. Koenig stated that the $205,360 included in account #30-31, Contractual Services, is to provide two (2) shifts of ambulance services to the City of Dover. In regard to the Emergency Management Coordinator position, Mr. DePrima

stated that the position became vacant upon the retirement of Mr. Wayne Hutchison (December 2010) and that it is planned for the position to remain vacant at this time. He stated his intention to present ideas to members of Council regarding this position in the near future.

Without objection, Council President Leary indicated that the Budget Review would continue tomorrow, May 19th, at 6:00 p.m. with the review of item #1-B(b-3) - Inspections and Permitting.

Meeting recessed at 9:05 P.M.

THURSDAY, MAY 19, 2011 - 6:00 P.M. - 9:00 P.M.

The Special Council Meeting reconvened on Thursday, May 19, 2011 at 6:00 p.m. with Council President Leary presiding. Council members present were Mr. Anderson (arrived at 6:05 p.m.), Mrs. Russell, Dr. McGlumphy, Mr. Lynn, Mr. Bonar, Mrs. Williams, Mr. Hare, and Mr. Hutchison.

Council staff members present were Mr. DePrima, Mrs. Mitchell, Mrs. Tieman, and Mrs. McDowell. Mayor Carey was also present.

A moment of silence was held in memory of Mr. Dick Ennis, former Levy Court Commissioner, who passed away this morning.

PUBLIC COMMENT PERIOD

Mrs. Ann Marie Townshend, Director of Planning and Community Development (52 Washington Street), read the following statement into the record:

> "Good evening. For the record, my name is Ann Marie Townshend and I reside at 52 Washington Street in Dover. You know me as a city employee, but as everyone else does, I wear multiple hats. In addition to working for the City of Dover, I am a resident. Being a City of Dover resident has been at multiple points in my life a conscious decision my husband and I have made. We first moved to Dover in 1997, when we were young professionals working for the State of Delaware. In 1999, we bought our first house in Dover, where we started our family. We specifically chose Dover as our home where we would start our family because of the quality of life and quality of services that the City has to offer. By 2005, we were at a decision point, as we had outgrown our small house once our two small children began to grow. Being Baltimore natives, we discussed whether we should look for jobs closer to our original home and move back, or whether we should stay in Dover. We made a strong conscious decision at that time to continue our careers and our lives in Dover. This was now home for us. Our instructions to our realtor in our house search, we want to look only at properties within the City limits. We had come to enjoy the quality of our environment and the quality of City services. We didn't want to be anywhere else.
>
> Shortly after we made this decision, I enthusiastically applied for the Planning Director position with the City. How exciting to be able to serve and be a part of preserving the quality of life of the City I now call home! My past five years with the

City have been wonderful. It is still a great place for my family, and I am proud that I can help to keep it this way. Many of your employees have similar stories. Many of us are employees and residents. We pay the same taxes and fees as the rest of your constituents, while at the same time seeing the stress on the workforce as we try to do more with less. This is a delicate balancing act. We applaud your attention to detail to ensure that the City remains accountable to those who pay the taxes and fees. We are glad that you, along with the City administration, have worked hard to keep our taxes and fees affordable, while still providing an amazing level of service. We understand and appreciate the tough decisions you have to make, and we support you in your struggle to make these decisions. As a manager, I worry for the future of my employees, who come in every day and give their best. Many of them wonder what this budget will mean for them and their families. Clearly, we need to make cuts, but I ask you to keep in mind something that Michael Albert said the other night, these aren't just numbers and positions, they are people and services. As I have said to some of you in conversation, I do not envy the task in front of you, but I am here to provide whatever support I can as you make these tough decisions."

Mrs. Jody Stein, Administrative Assistant, City Clerk's Office (522 Woodsedge Road), read the following statement into the record:

"I appreciated Dr. McGlumphy's remarks last night encouraging Council members to strongly consider the viewpoints of employees. I agree that there might be a tendency to hyperfocus on the numbers on the pages before you and lose sight of the fact that those numbers represent the stories of many people. I would like to share a little of my story with you.

In addition to being a City employee, I am also a resident of Dover. My children were born and raised in the City, and over the years my family and I have taken full advantage of the wonderful recreational programs offered by the City and have benefitted from its many services, such as utilities, police protection, the volunteer fire service, street maintenance, snow removal, and the "behind-the-scenes" efforts of the planning and inspections department, all of which are provided at a very reasonable cost.

My appreciation for City government reached a whole new level after I came to work for the City three years ago and got to meet some of the people who were responsible for providing these services. I learned a great deal about the hard work and dedication that goes into making sure these benefits are available to residents. I am very proud to be part of the intelligent, innovative, and hardworking team of people who put their hearts and souls into serving our residents and making Dover such a great place to live.

Now our government finds itself in the challenging position of trying to maintain vital City services, keep costs low for residents, and treat staff fairly - during a time when economic realities threaten each of these goals. Obviously the only solution

to the budget shortfall is compromise. I believe that residents and staff all realize that. It is self-evident that the City cannot continue to provide the same services with less money.

As a City resident, I have appreciated that Council has battled to keep utility and tax rates low over the years. Yet I believe that we receive excellent services for a more than fair rate. This was brought home to me recently when my son moved to Nashville. I was astounded to learn that his recycling is picked up once per month and brush pickup is scheduled for residents three times per year. This was a stark contrast to Dover, where we take for granted that our leaves are vacuumed at the curb and returned to us as free mulch. I believe this service is worth much more than the $12.40 monthly fee stated in the proposed budget, and there may be other services that should be reexamined as well. I have read many letters to the editor from residents chastising the City for considering rate increases during the current economic downturn. Yet City services must be self-supporting at a minimum, and if some services can be managed so cost-effectively that they produce income, perhaps some of these funds can be directed toward areas of financial shortfall, and perhaps some jobs can be saved.

As a City employee, I understand that sacrifices may be required during these difficult times; however, it is important that these sacrifices are shared fairly. Employees who work side by side should be paid equitably, whether they are union or non-union, and whether they are paid from general fund, the electric fund, or the water fund. To mandate otherwise is an affront to the hard work of the individual employee and a threat to the morale of the staff as a whole. In addition, those employees who occupy positions that have been undervalued for many years should not be asked to continue to sacrifice more than those who are in positions that are being paid at market value. (I may get in trouble for this tomorrow, but I think you should understand that this is a veiled reference to employees such as the City Clerk. I believe that the value of this position far surpasses the figures that you find in the budget before you. If you have any questions about the value of a City Clerk to municipal government in general, Mayor George Wright from the League of Local Governments can inform you. If you would like to know more about the value of the City Clerk to the City of Dover, I suggest you speak to people like Nick Rodriguez, Donna Mitchell, Scott Koenig, or Ann Marie Townshend, who interact with this office on a regular basis.)

I am personally very conscious of the consequences of the economic downturn. Two years ago my husband lost his job due to a buyout and corporate downsizing. In spite of diligently searching for work and going through job retraining, he remains unemployed today. We were fortunate because our mortgage was paid and I retained health benefits through my employment with the City. Many of his co-workers lost their income and their health care without warning, and some of these individuals suffer from serious health conditions. I dread the prospect of any of my fellow City of Dover workers being placed a similar situation.

I do not envy members of Council the very challenging task that now confronts you. You must make very difficult decisions, and regardless of which approach is adopted, the decisions made will impose hardships on both residents and staff. I ask that you do your very best to protect employees by doing all that you can to avoid layoffs and ensure that budget reductions are imposed equitably, not just on the general fund, so that the negative impact may be dispersed."

Officer Dave Spicer, City of Dover Police Department (400 S. Queen Street), stated that he serves as the President of the Fraternal Order of Police Lodge 15 and read the following statement into the record:

"Good evening members of council my name is David Spicer and I am the President of the Fraternal Order of Police Lodge #15. I would like to take a few minutes of your time to comment on this years budget for the City of Dover Police Department. I understand Members of Council have been given three options by our City Manager to balance this years budget.

If I understand one proposal is to cut 33 employee positions 12 of which are police officers. The mere fact of putting this proposal into black and white is disturbing. Ladies and gentlemen I probably don't have to tell you that gun play and gun violence has never been higher in this City. We cannot get through a single week without shots being fired at someone or someone being injured by a gun.

Cutting 12 police officers would be a huge mistake.

The rise of gangs and gang violence is astronomical. Most of you have been educated to how many gangs are in our area and the number of crimes they are responsible for. If we do not continue to seek out these gangs these criminals will only get worse and continue to terrorize our City.

Members of Council I know these economic times are tough. I asked each of you do you have options. Do you have the ability to transfer funds from one area to another without hardship? I ask all of you will you be able to sleep at night peacefully knowing you balanced this years budget and laid off 12 police officers who choose this City for employment and to raise a family.

The City Manager has brought to our attention that the City is suffering from a 3.7 million dollar short fall. Before any consideration or thoughts of layoffs of any employees I would suggest that ongoing capitol projects be delayed and freeing up a portion of these funds to balance this budget. These projects should only continue when the City is in a better financial position.

Previous Members of Council recognized that manpower was already stretched very thin and they made the decision to fill empty positions to bring the departments personnel back to full strength. Eliminating 12 officers would be detrimental to the safety and well being of the citizens of Dover.

I am confident you will make the right decision. Thank you for your time."

Ms. Kay Sass, Public Information Officer, City Manager's Office (4453 Kenton Road Dover), read the following statement into the record:

"What came to mind when I first heard the possibility of 33 jobs being cut? First, it does not affect just 33 people, most of the 33 people are no different than you and I.

We are parents; we are spouses, some of whose spouses are being laid off by other organizations like mine.

When I heard the request the other night from Councilman Hare to gather job descriptions of the employees I thought to myself- how many peoples job duties match their job description, I know mine does not.

As public affairs what do I do? I handle all media requests, submissions, clarifications and releases - Press conferences to advertisements and everything in between; For any and all departments and all offices.

I deal with the franchise agreements with Comcast and Verizon, constituent issues, writing speeches for the Mayor, the State of the City Address, Mayors Annual Reception, Mayor's Prayer Breakfast, and handling public outreach for all events City wide.

I represent the city at other events and functions-it is not just showing up it is hauling all of the equipment and setting everything up - alone.

I write, edit, assemble and have copy ready a city wide newsletter that goes out quarterly without assistance. I oversee the customer relation management program that the constituents use to request services, get answers to frequently asked questions or to file a concern. I follow up making sure that the issues are being handled in not only a timely fashion but one that is acceptable to the people in our community- I report it monthly to the city manager to keep him abreast of concerns.

We have groups that reserve City Hall for field trips-it has been a joy to be able to teach not just the youth but also adults in our community on our form of government, amazed that so many people that live here did not realize the council manager form of government.

I assisted Scott Koenig, working diligently, on grant writing and we brought in $101,000 in recycling grants. I also secured sponsorship for the last 2 years for Concerts on The Green with WSFS in the amount of $12,000 - working with Sam's Club I have received funds each year to provide annually 100 elderly and disabled individuals with fans in our community making life a little better for them.

This past year the City has taken on redoing the entire City of Dover website which we hope will be going live next week. I am not an IT person but I do know the importance for making things easy for our community to access and the importance of transparency in our government. This was another responsibility that was given to when an IT position was let go, again with no additional compensation.

Myself, and Andy Siegel have spent hours upon hours redesigning and training city staff on the new website.

I have been one of the advisors for Youth Advisory Council since its origination. Participated in the Public Library Campaign. Annually I train every City employee in customer service because it is important that people feel that they are being heard and being treated in a fair and respectful way. I have the Verizon channel that we post public service announcements to as well as show the City Council meetings.

When one of our employees in public utilities retired, I inherited the public education and outreach on electrical safety in the area schools and various locations in the community. This was just added on as yet another additional responsibility with no increase in pay given. I was fortunate enough when I started doing it that Wayne Hutchison was available and aided me in hauling the equipment but as you know Wayne Hutchison retired in December bringing on additional responsibilities for me.

Since I worked with Wayne regularly on writing some of the Emergency Procedures for the City as well as setting up and working the call center during the winter months it was natural for me to inherit additional responsibilities with Emergency Management.

Since Wayne's retirement I continued with the classes that are offered through FEMA to be well versed and trained in Emergency Management. I completed- on my own time- since January 92 hours of online class time and the entire Professional Development series receiving my certification in the mail about 2 weeks ago.

As well as all of the training for Emergency Management through DEMA, FEMA and the Department of Homeland Security I have also taken all of the classes for Advanced Public Information Officer with the final one being a week in Anniston Alabama a year ago in March the EM classes are:

Emergency Program Manager- An Orientation to the Position
Fundamentals of Emergency Management
Emergency Planning
Emergency Management Decision Making and Problem Solving
Developing and Managing Volunteers in a Crisis participation in an
Emergency Management Operations Center Workshop

> Was it required for me to take these classes since the position is not officially mine? No! But in good faith I have a hard time winging it when people's lives are in danger or our community is devastated so I took it upon myself to reach out for the training and to accomplish the professional development series so I am aware of the requirements by law in an emergency situation making sure that we as a City follow the procedures in place by the federal government that if a disaster does take place, I am properly trained to make sure that we follow their procedures and guidelines so we would qualify for reimbursement and not lose out on that too.
>
> Each day when I walk through the door I dedicate 110% that 110% does not stop when 5 pm rolls around. If it is 2 am and there is an issue in Dover I have gotten out of bed, dressed and on the road in minutes. I have done this for years, not driving a City vehicle, not getting City gas, not submitting my mileage. In a time of any disaster I concentrate on what do we as a City need to do to make this right?
>
> I handle press releases and inquiries as the PIO for the Fire Marshals' office I set up shelter when we had 126 people affected by the largest fire Dover had seen in years. Why? Not because it was part of my job description but because I believe in the City of Dover. I believe in the people I work with I believe in the people that live here. I believe to be part of a community that you have to be willing to step up when the going gets tough. I believe that as a City Council you will make the right decision giving our residents the services that they have been given, are accustomed to and we excel at. Do I envy you as a Council? Absolutely not. You are positioned in a no win situation and this is a very tough position I only pray that all things are considered for all of us. Thank you for your time."

Dr. McGlumphy reiterated his appreciation for those who addressed members and again, requested that the City Clerk's Office provide these statements to members in written form. He requested that if any other staff wishes to submit comments to members of Council for consideration, that they provide them to the City Clerk's Office for distribution.

MISCELLANEOUS INFORMATION

Based on the previous evening's discussion, staff provided members with additional documents. Mrs. Tieman reviewed the additional documents provided to members, as follows: 1) City Manager's Legal Expenses ***(Exhibit #9)***; 2) Memorandum dated May 19, 2011 - Take Home Vehicles ***(Exhibit #10)***; and 4) City of Dover Water Quality Applicable Expenditures (Updated "Duca" Report) ***(Exhibit #11)***.

Mr. Lynn referred to an excerpt from the Regular Council Meeting of March 29, 2004 provided to him and noted that the City Solicitor and Deputy City Solicitor positions had not been bid since 2004. Confirming, Mr. DePrima stated that during the previous budget session on May 18th, when the Purchasing Manager indicated four (4), he interpreted that as being four (4) years ago; however, he felt that he must have been referring to Fiscal Year 2004. As noted in the minutes, he advised members that although an RFP was prepared, at that time, Council made a motion that the "Request For Proposals for Legal Fees be null and void and that any further RFPs for any appointed City positions must have the full approval of Council."

Review of 2011/2012 Draft Budget - Selected General Fund Divisions (continued)

Mr. DePrima continued the review of the 2011/2012 Draft Budget, beginning with Inspections and Permitting.

Referring to account #30-33, Demolitions, of the Inspections and Permitting Budget, Mrs. Tieman explained that the budget for Demolitions, along with Grass Cuttings, has been removed from the Code Enforcement Divisional Budget and included as a direct expense to the General Fund. This was done in an attempt to alleviate budget overrides; however, after meeting with the Controller/Treasurer, it was staff's feeling that these expenses should be in the Divisional Budget. Therefore, there is no increase in the Draft Budget for these expenses, only a change in how they are listed. Mr. DePrima also advised members that staff has developed a procedure to avoid budget overrides. In addition, he noted that demolition expenses will be put on the tax duplicate and will become due the following year. If the tax bill, including the demolition expense, is not paid, the property can go to Sheriff's Sale. Prior to this, he explained that the demolition expenses were placed as a lien on the property. Although no Code amendment is required to accomplish this for demolition expenses, Mr. DePrima stated that staff is preparing an ordinance amendment that would allow for grass cutting expenses to be handled in the same manner.

Dr. McGlumphy requested that staff provide members with the amount budgeted this year for terminal leave, by position.

Responding to Mr. Hare regarding the possibility of providing uniform, larger trash containers for yard waste similar to those provided in the County, Mr. DePrima stated that this option was considered by staff and that there is a large expense involved. He noted that although the County paid the initial expense, they are billing the costs to their customers. He advised members that when the City began the recycling program, customers complained about large containers. It was staff's feeling that, rather than providing customers with a third large green container (noting that they currently have a recycling container and a black container), they could use a smaller, 35-gallon container. Elaborating, Mr. Koenig stated that the City's residential and commercial customers are utilizing approximately 11,000 black containers, there are just under 8,000 recycling containers, and the average cost of the green containers for yard waste is approximately $50 each, which would cost the City approximately $450,000 (9,000 x $50) just to provide the containers. In addition, he stated that utilizing the green containers would require truck modifications to install "paddle flippers" due to the weight of the containers and contents. In addition, Mr. Koenig noted that the City's composition of housing is much different than that of the County in that there are several townhouse and duplex developments, as well as other small space developments and explained that space is an issue in these areas with the current containers.

In response to Mrs. Williams, Mr. Koenig stated that, in conjunction with the yard waste program, the City added one (1) month of springtime leaf collection. It was his belief that the leaf collection season will expand to begin in early March through April. He expressed concern that residents are still placing their leaves in bags for regular trash collection and that the City has been notified by the landfill that the leaves must be out of the regular trash collection system. Therefore, he assured members that staff will be working on this program for improvements.

In response to questions of Mr. Anderson, Mr. DePrima explained the vehicle replacement program as it relates to either maintaining a vehicle and possible refurbishing or budgeting for its replacement. He stated that, in an average year, staff budgets $300,000 to $350,000 for the replacement of one (1) to two (2) sanitation trucks.

Noting that the City utilizes the State of Delaware contracts for the purchase of vehicles, Mr. Hare questioned if staff also considers other businesses for such purchases. Responding, Mr. Koenig stated that the City does not always purchase through the State of Delaware contracts, explaining that bids are always solicited for sanitation trucks and that there are occasions when it is necessary for the City to purchase outside of the State of Delaware contract due to timing issues or when a particular make/model is desired.

Responding to Mrs. Russell, Mr. DePrima confirmed that the Streets Division is currently operating at the same strength as in the year 2002.

With regard to the need for radios, pagers, and cell phones questioned by Mrs. Williams, Mr. DePrima assured members that staff is conducting research to determine those employees who have such devices and reviewing the necessity of the equipment to be provided by the City.

In reviewing the Planning and Community Enhancement Services Budget, Mrs. Ann Marie Townshsnd, Director of Planning and Community Development, provided members with a statement prepared by the Planning Office Staff ***(Exhibit #12)***. In addition, she noted that one of the City Planners serves as the contact person for the U.S. Census, which affects the entire City in terms of grant applications. She advised members that there is a very strong demographic component in the Planning Office which could result in legal ramifications. She noted that another responsibility is serving as the gatekeeper for development projects, explaining that there are many agencies involved in the development and review process that are not under the umbrella of the City; however, the City coordinates their comments. She advised members that there has been a lot of time spent on serving as the intermediary between the development community and State regulatory agencies.

As previously mentioned regarding the National Pollution Discharge Elimination System (NPDES), Mrs. Townshend stated that, in 2003, the City of Dover was required, under the Clean Water Act, to obtain a permit from the Department of Natural Resources and Environmental Control (DNREC) under NPDES for the Municipal Separate Storm Sewer System (MS4), which is the conveyance system that collects stormwater from the streets and into stormwater ponds or directly to surface waters. The City is under a mandate from the Federal Government and has been under permit since 2003. Since the City has not been able to adequately staff the permit, the City has been in violation of the permit. Last year, she requested that this responsibility transfer from Public Works to the Planning Office, feeling that many of the tasks associated with the permit were planning related and within the skill set of the planners. She felt that the Planning Office could bring the City into compliance and remain so. Although she stated that the City is currently not in compliance, she assured members that great strides have been made in this regard. If staffing levels were returned to 2002, she was confident that the City would fall out of compliance.

In reviewing the subscription and membership dues, Mrs. Townshend stated that $2,925 has been budgeted, which includes American Planning Association and American Institute of Certified Planner memberships for all four (4) Planners. In order to maintain accreditation, she advised members that all Planners must be members of both organizations and the memberships cannot be combined. In addition, she noted that there is a subscription for the Planning Advisory Service, which is a membership within the American Planning Association that provides national research on specific issues (such as research on regulating Solar and Wind in residential areas), at a cost of approximately $750, and she felt that the City greatly benefits from this service. She advised members that the other subscriptions include publications such as *Planning and Environmental Law*, which is a journal and costs approximately $500. Although this journal keeps staff up-to-date on issues and planning laws, she suggested that they can obtain this knowledge elsewhere.

Responding to Mr. Bonar regarding the NPDES Permit, Mrs. Townshend stated that one (1) violation has been resolved, and that DNREC is going to issue another notice of violation which will include a list of the actions necessary to close out the permit that was not listed in the previous notice of violation. In accordance with a recent meeting with DNREC, the notice will include the failure to comply with timeline and will allow the City, through the end of 2011, to complete the list of actions necessary. Failure to comply with the timeline, will result in administrative penalties (fines) from DNREC. She stated that these fines will be in the tens of thousands of dollars and upwards to $100,000. If DNREC fails to enforce the City, then the EPA will become involved and conduct the enforcement. She stated that, although funds will be required, the specifics are not known at this time. Mr. Bonar stated that, once again, another government agency with unfunded mandates is putting the City in the position of costing money.

Referring to the Conference and Training account, Mrs. Townshend noted that monies have been budgeted for attendance at the Regional Conference, explaining that in order to maintain Professional Certifications, Planners are required to earn 32 credit hours of professional development in every two (2) year period.

There being no objections, Council President Leary declared a brief recess.

Meeting recessed at 7:31 P.M. and reconvened at 7:45 P.M.

Review of 2011/2012 Draft Budget - Selected General Fund Divisions (continued)

Mr. DePrima continued the review of the 2011/2012 Draft Budget, beginning with Code Enforcement.

With reference to the Code Enforcement Division, Mrs. Townshend read the following statement into the record:

> "Much of the work of the City's Code Enforcement Staff goes unnoticed. If the grass is cut on a vacant property before it reaches a level of community nuisance and complaint, if a rental property corrects code violations that may reduce the appearance of the neighborhood and the safety of tenants, if trash receptacles are brought back to proper location on the property, you might not notice this. If these things are not addressed, you would definitely see the difference.

In addition to issuing violation notices, our Code Enforcement staff frequently works with property owners on how they can achieve compliance. They attend community and homeowners association meetings to be proactive in addressing complaints in communities. They have been known to "clean up" a nuisance rather than simply issue a notice. They work closely with our police department, customer service department, and public works department to address areas of common interest. A recent example of this was the response to complaints and gang activity on Barrister Place. The Departments worked together to address property code violations, trash, and criminal activity. The Code Enforcement staff has also assisted with the reduction of inflow and infiltration into the sanitary sewer system by notifying property owners that roof drain and sump pump connections to the sanitary sewer system must be eliminated. Violation notices have been sent out, and many of these connections have been removed, thereby reducing costs for sewer treatment.

In January 2010, a code enforcement officer retired, bringing our staffing level from 5 employees down to 4 employees. These employees include one supervisor and three field inspectors. Each of these field inspectors is responsible for approximately one-third of the land area of the City, which geographically is very large. Also during this time, the number of foreclosures and vacant residential properties has skyrocketed, leaving staff to track down contacts at banks and management companies, monitor properties, and hire contractors to cut grass. Additionally, other property owners, including landlords, have deferred maintenance on their properties due to the economic downturn, again, leading to code violations that threaten the quality of our neighborhoods.

The reduction recommended for the Code Enforcement staff is a part-time temporary position that has helped to fill the gap since the retirement in 2010. While this may seem insignificant, this loss leaves us in a more complaint driven mode, and inhibits our ability to be proactive in enforcement. Additionally, with proposed cuts in the Planning Office and Inspections and Permitting Division, some of the responsibilities of these offices, including certificate of occupancy inspections, gas tests, and framing inspections, will likely fall to the Code Enforcement staff. Can we survive? The answer is yes, we can. But it needs to be clear that proposed cuts will reduce the ability of the division to be proactive and lengthen the amount of time to respond to complaints and resolve violations."

Responding to Mr. Hutchison, Mrs. Townshend stated that there are hundreds of properties (200-300) that are not in compliance with the Dover Code. Most cases are resolved within 30 days; however, she stated that those properties that remain non-compliant beyond that point take a substantial amount of time for staff, the department manager, and the City Solicitor.

Referring to the Community Development Budget, Mrs. Williams questioned the number of homes that have been "turned over" to home ownership in conjunction with the Neighborhood Stabilization Program. Responding, Mrs. Harvey stated that four (4) properties have been sold; one (1) is a lease purchase and one (1) is a rental for Connections, for persons with disabilities. There are two (2) additional properties that remain available; however, she stated that there are sales pending.

Mrs. Townshend reminded members that when the City approved the Neighborhood Stabilization Program, it was stipulated that the City did not want to own properties. As a result, she stated that the City has granted monies to the partners; therefore, homes that have not yet been purchased are owned by the Diamond Community Land Trust, which is required to maintain the properties, etc.

In response to Mrs. Williams regarding penalties for the Stimulus Act, Mrs. Harvey stated that the City will not be subject to such penalties since the City has already expended the funds. If the properties are not sold, she felt that the Land Trust will consider a lease/purchase for the properties.

Responding to Mrs. Russell, Mrs. Townshend stated that the authorization for the part-time employee for the Community Development Division was exceeded; therefore, the City is no longer employing the part-time employee, nor has the position been included for next year. She advised members that in 2010, there was a significantly higher administrative burden due to the multiple "pots" of monies and at this time, many of the burdens have been satisfied. With reference to the specification writings (bids) for the rehabilitation program, she suggested that it be contracted as in previous years.

Mrs. Russell relayed concern with a single individual bearing all responsibility for this office.

Clarifying, Mrs. Mitchell reminded members that Council authorized the expenditure of $10,000 for the part-time employee and that the expenses totaled $15,000, $5,000 over and above the amount authorized by Council. As a result, she advised Mrs. Townshend that no additional expenses could be occurred at this time and suggested that she submit an additional request to Council, if necessary.

In response to Mrs. Russell, Mrs. Townshend requested that any further discussion regarding this matter take place during an Executive Session of Council.

Referring to the Fire Department's Budget, Fire Chief Jack Fortney stated that Plan A proposes the elimination of a Fire Dispatcher. He stated that currently there are five (5) full-time Dispatchers, four (4) of whom are assigned to Station #1 (downtown) and one (1) assigned to Station #2 (Dover-Kenton Road). The Dispatcher at Station #2 was established in 2003 to cover Station #1 shifts as needed (vacations, sick leave, etc.) as well as maintain the building. This individual is also assigned with assisting GPS information pertaining to locating Fire Department Connections, Knox Boxes, and Fire Hydrants. He advised members that all Dispatchers are EFD Certified, which is now a requirement for the City of Dover. He noted that the additional Dispatcher has reduced overtime issues and has reduced part-time employees from seven (7) to one (1). Chief Fortney stated that overtime paid in 2009/2010 was $50,658 and to date is $11,315, which is well below previous years. The part-time expenses for 2009/2010 were $11,593 and to date, $1,880.

In regard to the annual contribution, in the amount of $281,252, from the City of Dover, Fire Chief Fortney noted that two (2) of the three (3) plans would reduce the budget for the Fire Department in the amount of $5,000. Although the previous year's budget indicated a $600 surplus for the Department, he stated that there were two (2) invoices held to be paid in the current fiscal year. Although he was not requesting additional funds for the Fire Department, he requested that no additional monies be taken from the Fire Department's budget.

In response to Mr. Bonar, Mrs. Rebecca Rollison, Fire Chief Assistant, assured members that she would provide information regarding the two (2) invoices mentioned by Fire Chief Fortney.

For clarification, Mr. DePrima noted that Plan A includes an "across the board" reduction, which is the $5,000 mentioned by Fire Chief Fortney.

Mr. Bonar advised members that Volunteer Fire Departments throughout the State have realized significant reductions in the amount of funding received from insurance and grant-in-aid. The Volunteer Firefighters Association is attempting to have some of this funding restored and is developing a new methodology for verifying the insurance pay-outs. He noted that if Dover's Fire Department was operated as a "paid fire department, it would cost taxpayers an additional $13M to $14M and relayed his appreciation that the City of Dover has a volunteer service to fill that void.

Responding to Mr. Anderson, Fire Chief Fortney stated that the monies budgeted in the telephone line item for upgraded fire pagers (included in line item #30-21 in the amount of $40,640) could be removed from the Fire Department's budget. The New World System Software, included in line item #30-67, in the amount of $40,000, would provide the Fire Department a more integrated database with the Dover Police Department as well as the Kent Center, and would allow communication computer to computer, to vehicles, etc.

At the request of Mrs. Williams, Mrs. Rollison indicated that she would determine if blueprints of buildings would be available with the New World System Software and/or if it would be a separate module, and the costs.

Fire Chief Fortney explained the importance of having the same type of equipment and the request for the Holmatro rescue equipment, noting that the Holmatro is a one-point "hookup," and provides more PSI.

As suggested by Mr. DePrima, Mrs. Mitchell explained that Council authorized the purchase of a new Quantum Ladder Truck for the Fire Department with expected delivery in July 2011. The plan for financing the truck provides for the first payment to occur in the next fiscal year and a seven (7) year loan period.

Mr. DePrima reviewed a Presentation of the Selected General Fund Division Budgets (Police Department) and Water/Wastewater Fund for FY 2011/2012 - May 19, 2011 (***Exhibit #13***).

Chief James Hosfelt, Dover Police Department, read a prepared statement as follows:

> "Good evening, on behalf of the employees of the Dover Police Department I wanted to thank you for the opportunity to speak to our budgetary needs and concerns.
>
> Let me begin by getting right to the core issue - and speak to the possibility of "laying off" employees. Since 2002 the police department has not increased its civilian workforce. It is my belief that technology has allowed us to provide professional and efficient services without increasing this side of the workforce. On

the other hand, the number of police officers has increased by twelve. This was done so we could support initiatives such as the Quality of Life Task Force, the Sex Offender Section, School Resource Officers, and increase staffing in the Patrol and Criminal Investigations Units.

If given the mandate to reduce my law enforcement workforce by twelve officers, those Units affected will be the Community Policing Section (4) and the Quality of Life Section (4), along with the four officers currently attending the police academy. I simply cannot afford to take any officers away from the Patrol Unit, Criminal Investigations Unit or certain sections within the Special Enforcement Unit, such as the Motorcycle and Sex Offender Sections. These Units are the backbone of any law enforcement agency. This philosophy is consistent with the information I provided to Council in February during joint committee meetings. As a reminder, the cost of one of the officers in the police academy is being paid through a COPS grant for the next 30 months. At this time there is no other federal funding available that we are eligible to receive for things of this nature.

In regards to Capital Projects, we understand the need to remove the Police Station Parking Lot from the project list and although repairs are needed we can make do for another year. In reviewing the options laid out by Mr. DePrima regarding Police Vehicles we have discussed both at great length. As a result, I would ask Council to consider paring down these options to the replacement of only three vehicles (Criminal Unit) at a cost of $65,000.

I am confident that with only three replacement vehicles and my current inventory we will be able to continue appropriate police response. In years past, we have applied for and received federal funding to purchase police vehicles, but at this time there are no federal monies available to support this type of request. Currently we have five 2011 Ford Crown Vics which we are holding to help us get through the upcoming fiscal year.

The only Strategic Project we have budgeted for is our triennial CALEA Inspection and Conference at a cost of $9,500.00. The Commission on Accreditation for Law Enforcement Agencies ensures that we maintain compliance with 464 national standards. These standards are part of a nationally recognized risk management system for running a Law Enforcement Agency and the benefits of Accreditation significantly out weight the cost. Because of CALEA, my officers are better trained and equipped and they have a much clearer understanding of their duties and responsibilities to the population we serve. Although I cannot provide an exact figure, I do know that our current insurance carrier for the City takes into account that we are a nationally accredited police agency. For over a decade we have been Nationally Accredited and to throw away a program that we have already invested so much into, with both time and money, to save $9,500.00 just doesn't make sense to me.

> Under Plan C of the budget proposals, at the bottom of the page, it lists reducing the Police Terminal Leave Budget by $100,000.00. In the upcoming fiscal year 17 Dover Police Officers are eligible to retire. If all retire and lump sum payouts are requested, the cost to the city will be over $1,000,000.00. Do I think this is probable — no, but it should be a concern. My employees are very concerned with next year's planned negotiations and the emphasis these negotiations will place on healthcare. I think it would be a safe assumption to say that before any possible changes to retirement benefits several employees may retire.
>
> In closing, and for the benefit of our new Council members I would like to highlight that the police department has applied for, received and managed in excess of a million dollars in grants to support our law enforcement operations over the last few years. The money from these federal and state grants have helped to offset the cost of salaries, equipment and training which normally would have been the burden of the City. We consider ourselves good stewards of the cities money and my staff continuously works towards finding other funding options to support our crime fighting efforts and community support programs. I apologize if my comments were too long, but I believed it necessary to speak on those issues affecting the police department which are outlined in the budget proposals. Thank you for your time and attention."

In response to Mr. Lynn, Police Chief Hosfelt stated that utilizing the Bartel Formula, which is used for Workload Assessment, the current Police force is down 45 officers, consisting of 32 officers for the Patrol Unit, seven (7) officers for the Detective Section, and six (6) officers for the Drugs, Vice, and Organized Crime (DVOC) Section. The addition of 45 officers would provide officers 50% of their time unobligated, in accordance with the Bartel Formula. He confirmed that the Bartel Formula was created by the FBI and in the opinion of experts, the City of Dover Police Department is currently understaffed, without taking into consideration any decrease proposed in the draft Budget.

With regards to the safety of citizens, Police Chief Hosfelt stated that a reduction in police presence would likely result in a decrease of service provided to the citizens and response times to calls for service would increase. With reductions in staff, he advised members that Special Units would be the first to be impacted. He noted that the "backbone" to any law enforcement agency is their patrol unit and explained the necessity of the Detective Section if a situation requires further investigation.

Mrs. Williams felt that the recent increase in authorized strength for the Police Department was to re-establish Community Policing to assist with Gang Warfare. Understanding that it would be impossible for the City to provide 45 additional officers, it was her opinion that there should be no elimination of police officers and that the intent of the previous Council to provide four (4) additional officers should be honored.

Referring to the Mayor's Budget, Mrs. Williams recalled that the Police Department was providing a vehicle to the Mayor. She questioned why the Police Department would be "donating" a vehicle and then requesting that Council provide them with new vehicles. Responding, Police Chief Hosfelt

stated his opinion that a new Crown Victoria is not necessary for Parking Enforcement or for the Evidence Technician, explaining that the new cars are desired for the Police Department's Patrol Operations. Therefore, it was a "better fit" for the Evidence Technician to use the Mayor's car rather than a new Crown Victoria in his everyday activities.

Mr. Hutchison relayed concern regarding the overtime budgeted ($500,000) for the Police Department. He requested that the Police Chief review this matter and develop a proposal for a possible reduction. Responding, Chief Hosfelt assured members that overtime is constantly scrutinized and that his staff has some preliminary thoughts, such as a civilian court liaison officer. Although such a suggestion could not be utilized this year, he felt that this would be a possibility for future years and would provide significant cost savings in overtime.

Without objection, Council President Leary indicated that the Budget Review would continue on Tuesday, May 24th, at 6:00 p.m. with the review of Item #2 - Water/Wastewater Fund as listed for the May 19th Session.

Meeting recessed at 9:06 P.M.

TUESDAY, MAY 24, 2011 - 6:00 P.M. - 9:00 P.M.

The Special Council Meeting reconvened on Tuesday, May 24, 2011 at 6:00 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 Mrs. Mitchell, Mrs. Tieman, and Mrs. McDowell. Mayor Carey was also present.

PUBLIC COMMENT PERIOD

Ms. Kathy Divver, Customer Service Manager (104 Kings Court, Harrington), read the following statement into the record:

> "I have been a City of Dover employee for almost 21 years. My current position is Customer Service Manager. Over the years, I have noticed that throughout the City, employees display a great sense of pride, commitment and a sense of value.
>
> I understand Council has difficult choices to make this budget year. The impact of your decision may dramatically affect loyal dedicated employees, their families and the citizens of Dover.
>
> It is important for Council to understand the role that each department plays in the day to day operations of the city. Mrs. Tieman has provided a detailed description of all functions handled by the Customer Service Department. We keep Mrs. Tieman updated daily and appreciate her support.

The Customer Service Department is critical to the vitality, stability and continued growth of the City. We establish utility services for customers, read electric and water meters and prepare bills for services offered by the City of Dover. Every effort is made to maintain our outstanding receivables at an acceptable level. We manage the property tax billing and collection process. Our cashiers process City of Dover payments at the Reed St office and through electronic transmission. All existing staff work together to provide an excellent level of service. Any reduction in staff would impede continued growth and adversely affect the quality of customer service.

Words cannot express the gratitude that I have for the entire Customer Service staff. This is a dedicated group of individuals that accept and move forward with the changes in technology and staffing. Individuals that come to work pull together and work as one team.

There was reference made at one budget hearing regarding the number of supervisors on staff in customer service. We are comprised of specialized smaller divisions that each plays a critical role.

Customer Service feels the impact of a troubled economy. We hear and understand the hardships our customers face and try our best to meet their needs, while staying with established policy guidelines.

Often, throughout the day the customer service representatives will refer customers to the customer service supervisor to make complicated and difficult decisions. She will take time and personally review the account and present all available options. She supports continued customer service training and keeping the staff up to date with policy changes.

The Account Clerk III cashier position properly accounts for cash processes, prepares bank deposits, and ensures the work for the day is handled in an efficient manner. This too requires attention to detail and meeting internal control requirements.

Meter Reading is the core of the billing process. It all starts here. The supervisor in this department manages to keep meter reading on schedule, ensure work order are completed on time, networks tasks between departments, and works with customers in the field.

Account Clerk III- Billing department generates accurate and timely bills to customers. The billing supervisor performs billing audits, manages large commercial accounts, developed the idea for the new utility bill, continues advancing the billing department towards new technology and gaining knowledge of renewable energy. Billing requires constant monitoring and an articulate watchful eye.

I am responsible for managing all areas of the customer service department. In addition to analyzing and preparing monthly reports, handling critical customer issues, participate in projects that involve customer service department, making sure the lines of communication are open between staff in customer service.

Thank you for your time."

Mrs. Teresa Tieman, Senior City Administrator (17 Howe Drive), read the following statement into the record:

"Good Evening, My name is Teresa Tieman. I reside at 17 Howe Drive, Dover, Delaware. I have been employed by the COD for 23 years. My current position is Senior City Administrator for Budget, Program Development and Customer Services.

The other evening when the Customer Services and Meter Reading budgets were reviewed, I did not really have the opportunity to discuss what Customer Services and Meter reading actually do. I would like to take the opportunity now.

I am very proud of Customer Services and Meter Reading divisions. They have been working smarter to provide you and the Citizens with excellent service.

There have been a lot of comparisons to FY 2002. In customer service we still do most of the same things we did in 2002. We still: Read water and electric meters, Prepare electric, water and trash bills, Take payments, Manage inquires, Maintain internal accounting controls on billing and collection activities. Open and close accounts, Maintain an equalized payment plan, Bill all the City's miscellaneous bills and handle those inquires (this may be a pole repair for auto accident, or curb repair. And, we handle the City's general information number with a live person, so that no one talks to an automated system. To give you some perspective: Today we prepare approximately 300,000 bills annually, which is an 11% increase over 2002. We also handle 20,000 work orders annually which are 7 percent more than 2002 levels. CS handles 3,700 calls per month - calls can range from 2 minutes to 25 minutes. This does not include the general information number or the number of citizen who come through the door. Walk-in customers are 4,700 per month or 235 per day. Every two minutes someone walks through the door.

In addition to the things we did in 2002, since 2004 CS handles tax billing, inquiries and collections. The collection process alone requires a good deal of time since it has to comply with legal requirements. Lately we have invested a great deal of time in trying to make payment arrangements with citizens so they don't go to munitions sale.

The process of billing and handling the customer's accounts has increased in complexity. There are new privacy laws and regulations. We have had to comply with new regulations as we perform our responsibilities, most recently the FACTAct/identity theft protection has come into play.

The City's clean hands ordinance means we must work closely with Inspections/Fire Marshall's offices.

While the quantity and complexity of work has increased, today, staffing has been reduced by 3 people or 15%. We are staffed with 14 customer service employees and 3 meter readers.

We are able to accomplish this through technology. A new phone system, mobile data collection of meter reading and lockbox and remote deposits are a few examples.

Along with technology, sometimes come additional work requirements. In 2002, we received payments through the mail and in person. Now, in addition to getting payments through the mail and in person we get them from the lockbox, ACH transfers, remote 3rd party credit card processors, and bank drafting. Each of these needs to be reconciled on a daily basis. This is increasing workload.

It was mentioned last week that we were able to decrease staff because of technology. You need to know that we not only decreased staff, we increased productivity, accuracy, and customer service because of technology.

It was also mentioned that we had a lot of supervisors for the number of staff. Those supervisors are working supervisors. We have been organized this way for many years. It may seem like a lot, but it works effectively. All supervisors are crossed trained to back up other supervisors. Originally, I was thinking of describing a typical day for the supervisors, but I do not believe a typical day would do them justice.

Corrine Mosher is the CS Supervisor works daily dealing with customers in hardship. Daily she assists in the Cashier area, processes bankruptcies, updates the website, and maintains medical customer information, reviews disconnection lists, works interdepartmentally with Inspections, Fire Marshall, and Water service men. Keeps staff updated on procedures, new developments. Provides CS training,

Denise Roberson, the account clerk III in billing was instrumental in the development of the new bill. She also backs up the meter reading supervisor. Denise is part of a two person team that prepares bills for our 23,200 customers on a monthly basis. She handles the document retention for the department, trains customer service staff regarding billing topics, updates billing information on the

website, monitors commercial and primary customer accounts monthly, prepares requests for rate information throughout the year, backs up customer service manager in handling customer issues. She is the go to person.

Sherry Dixon is the Account Clerk III for the Cashier area. Currently, she and one other cashier process the payments that come in through walk-in customers and drop boxes. This can be over 10,000 transactions per month. Sherry processes deposits and since we have remote deposit now, follows a destruction schedule for the remote deposit checks. Sherry coordinates, cash handling, posts cash to the receipt system, administers COD parking and boat permits, backs up the CS supervisor. She maintains the safe. Sherry is responsible for the accurate receipt and accounting of over $132.4 million annually- our billings. Her days are always busy.

Nancy Swaggard is the Meter Reading supervisor. As the Field Rep III, she is responsible for the accurate reading of 39,000 plus meter readings. She also coordinates the reading schedule, on-call schedule, disconnect schedule and uploads and downloads meter readings to and from the billing system. She works closely with the billing staff to coordinate reading/billing schedules and work orders. If your bush is blocking a meter, you may have received a letter from Nancy. If one of the meter readers is out for any reason, Nancy covers their duties that day. She coordinates work orders with the water/wastewater divisions and electric.

In 2004, Kathy Divver became the Customer Service Manager. She is my right hand. She oversees the management of customer services and meter reading. Most recently Kathy has worked daily to implement a new bill design and the lock box. These projects were both implemented simultaneously. Both implementations went smoothly and that is really saying something. The bill was designed and implemented in house without additional contracting costs. In addition to projects like this, she handles the most difficult customer issues, works with Finance on reconciling accounts receivable issues, bills and collects property taxes. Kathy is a trouble shooter, with all the new technology and mandates that affect customer service and meter reading this is no easy task.

Kathy and I speak every day. Since 2004, I have also focused on special projects and the budget. Special projects include: A city wide VOIP system, Meter reading mobile collection system, City-wide revenue manual, Water Impact fee research and implementation, current revenue $357,000, Management audit of Planning and Inspections, and Tax Office Lock Box implementation, Utility Bill Re-design, Implementation of the City Wide Privacy Committee, Re-organization of Meter Reading. Budgeting for the City now includes, strategic planning and is nearly year round. It is more complex because of changes in policies, mandates and the Great Recession."

Council President Leary noted the receipt of a letter from Mr. Anthony DePrima, City Manager, and read into the record, as follows:

"Dear Councilman Leary,

Understanding that the current City Council, with many new members, wants to take the City in a new direction, and that I am in a place in my nearly 20 year career where I can feel really proud of the direction the City has taken, I wish to retire from service.

I am exercising all of the retirement benefits accrued to me, and specifically request the terminal leave option as set forth in Article XI Section 5 Sick Leave-Sick Leave for Retirement Credit of the City Handbook. My last day of active duty will be June 8, 2011.

I leave the City in a place where we have improved the overall quality of life in Dover, yet our taxes were recently reported as being one of the lowest in Delaware. Surveys show that Dover's water, sewer, and electric rates are some of the lowest in Delaware. Dover's financial standing is strong, despite the doomsayers' who want to paint our City as being in crisis.

I am proud of any small part I have played in numerous projects in Dover; including the 1996 Comprehensive Plan, the John Pitts Center, 230kv TIE station, methodical rebuilding of the electric distribution and transmission system, launching solutions to the sewer inflow and infiltration, and solutions to the brown water problem. I proudly look out my window to the Library construction, and know that just a few miles east the Dover Sun Park is well under construction. I am proud of many of the other improvement for which I have had some part: unifying our budget, CIP and strategic planning processes; developing a performance evaluation system that matters, unifying our electric, water, and wastewater into one department, and bringing e-government services to Dover.

I am most honored to have worked with many great employees who for the most part go under recognized; I hope Council is truly listening to what they have to say during the budget hearings. After discussing it with Council President Leary we agreed, that I will not participate in the remaining budget hearings. Instead, I will focus the rest of my time on tying up loose business for a smoother transition.

I have been a public servant nearly my entire adult life and will continue to serve the public in whatever way the good Lord decides for me. I have been blessed that he gave me nearly twenty years working for Dover, Delaware and wish everyone the best.

Sincerely,

Anthony DePrima"

Council President Leary announced that one of the City's Water/Wastewater employees, Mr. Brian Turner, Civil Engineer, would be soon be deployed to Afghanistan and read the following statement into the record:

> "Brian is in the 1049th Transportation Company of the Delaware Army National Guard. His unit has been activated for ultimate deployment to Afghanistan. From May 25th to May 27th Brian will be at his Armory in Seaford, Delaware. From May 28th to July 8th he will be training in Fort Bliss, Texas. From Texas he will be heading to Afghanistan, where they will be conducting convoy operations and training the Afghan military. We look forward to Brian's return in June 2012."

Mr. Leary wished Mr. Turner Godspeed and safety, and thanked him for his service to our country.

Referring to Exhibit #13, Mrs. Tieman continued the review of the 2011/2012 Draft Budget, Water/Wastewater Fund for FY 2011/2012 - May 19, 2011, beginning with Water/Wastewater Engineering.

Responding to Mr. Anderson, Mr. Ron Lunt, Public Utilities Director, reminded members that the City recently began implementation of the Inflow and Infiltration (I&I) Projects and that completion of the projects will take many, many years and cost multi-millions of dollars. He doubted that these projects could be accomplished in 15-20 years, even if the funding was not taken into consideration. He stated that staff would need to determine an estimate in time and money if it was the City's desire to accelerate these projects. Mr. Lunt stated that the City is far away from solving the I&I problems, explaining that the projects include 160+ miles of sewer lines, some older than 100 years. The City has begun a relining program and are still in investigation stage in some areas. He stated that approximately 1½ miles have been included in this year's projects at a cost of $1.8M.

In response to Mr. Hare, Mrs. Tieman assured members that updated organizational charts would be provided to members.

Considering the funding required for the Water/Wastewater Fund, Mr. Anderson questioned how staff can justify the transfer of approximately 4% to the General Fund. Responding, Mr. Lunt stated that the transfer amount is a decision made by members of Council on an annual basis.

Noting the damage that can be caused by trees, Mr. Bonar questioned if staff has given consideration of replacing this type of landscaping with a type that is less invasive. Responding, Mrs. Duca stated that this has recently been discussed with the Public Services Manager and the Grounds Superintendent to develop a recommendation for replacing street trees, taking into account the location of the sewer lateral.

Mrs. Tieman reviewed a Presentation of the Electric Fund Division Budgets for FY 2011/2012 - May 24, 2011 (***Exhibit #14***).

In response to Mrs. Williams, Mr. Lunt stated that the importance of the City maintaining distribution is a multi-faceted question; however, local control would be a primary concern. He explained that the T&D Division provides more than just delivering energy and advised members of the recent upgrades to the system.

Mr. Hare relayed concerns regarding the City's inability to fund OPEB in the previous three (3) years and questioned the City's ability to provide salary increases for employees during these "tough" economic times. Responding, Mrs. Tieman noted that in FY2009 salaries were increased; however, employee furloughs were implemented. Although OPEB was not budgeted in those previous years, she stated that the City has funded this in the Draft Budget.

For clarification, Mrs. Mitchell stated that the Government Accounting Standards Board (GASB) does not require the City to fund OPEB; however, it must be shown as an expense. If it is not funded, the City will not have the funds necessary to pay benefits to retirees, which is why OPEB should be funded. She assured members that this year, in order to be compliant with accounting standards, the City has funded OPEB. In addition, she explained that OPEB expense appears on the City's balance sheet as a liability since the City showed it as an expense but did not actually fund it; therefore, it is reflected as a liability on the balance sheet.

In regards to the salary increases and furloughs, Mrs. Williams reminded members that technically employees were provided salary increases; however, since the furloughs were instituted, there was no net increase in employee's salaries.

Responding to Mr. Hare, Mr. Lunt explained the benefits for the Power Plant operations to be contracted, which was a decision made by Council several years ago. Elaborating, Mrs. Tieman indicated that the power supply and capacity costs total $63.9M and the City bills almost $100M, noting that there are operating expenses for the City from this profit and that some is transferred to the General Fund.

Mr. Hare noted that there are 29 employees at the Power Plant and questioned how much the City makes from the contract. Responding, Mr. Lunt stated that the City received $12M last year, will receive $7.2M this year, and next year will receive $13M-$14M, which reflects the payment the City receives in capacity, and that the City's expenses are deducted. Mr. Lunt explained that capacity payments are funds received from PJM (City sells and bids directly to PJM). To "be available" is what is called a capacity payment. If the City runs and sells energy into the PJM Network, the City will also receive a margin payment, which is for cost of fuel and operations subtracted from the payment received for the energy. This current year, the City received approximately $2.5M in margin payment. He noted that, of the $12M capacity payment and $2.5M net margin on operation ($14.5M total), the City's expenses were approximately $7M and that in the future, the capacity payments will decrease.

Mr. Bonar suggested that members who wish to have a better understanding visit Valley Forge, the site of an educational program. Mr. Lunt stated that, as a part of The Energy Authority Agreement, on-site training can be provided if desired by members to provide an understanding of operations and rates. He also suggested that a 2030 Meeting could be beneficial to learn about options being considered for the future.

In response to Mr. Hare, Mrs. Mitchell referred to Page 42 of the Draft Budget, where the credits for power supply and generation are reflected, which indicates a $1.9M net for generation.

At the request of Mr. Hare, Mrs. Mitchell assured members that staff would conduct research to determine whether the City would profit by contracting the Power Plant Operations.

There was much discussion regarding the benefits of the City maintaining the Power Plant, and it was requested that staff provide details for the past five (5) years to assist in making this determination. Mr. Lunt advised members that the City's Power Plant is a very challenging plant to operate due to its age.

Mr. Anderson suggested that staff contact the department handling Green Management since he has noticed that they are planting trees under power lines rather than across the street where there are no power lines.

There being no objections, Council President Leary declared a brief recess.

Meeting Recessed at 7:44 P.M. and Reconvened at 7:45 P.M.

Review of 2011/2012 Draft Budget - Fund Summaries

Mrs. Tieman reviewed the Fund Summaries included in the 2011/2012 Draft Budget, as follows: Electric Fund, beginning on Page 41; Water/Wastewater Fund, beginning on Page 33; and the General Fund, beginning on Page 22.

Responding to Dr. McGlumphy, Mrs. Mitchell stated that all transfers are policy compliant.

In response to Mr. Hare, Mrs. Tieman stated that staff would determine what .01¢ in electric rates provides the City in revenue.

At the request of Dr. McGlumphy, Mrs. Tieman stated that the operation expenses for the General Fund are approximately $37.6M, the Water/Wastewater Fund approximately $13.3M, and Electric Fund approximately $91.9M, noting that the fund balances should not be included in the totals.

Council President Leary suggested that members recess until after the holiday (June 6, 2011 at 6:00 p.m.) to provide staff the opportunity to fulfill requests for information and that members relay their suggestions for the next meeting through the City Clerk's Office.

There being no objections, Council President Leary indicated that the Budget Review would continue on Monday, June 6th, at 6:00 p.m.

Meeting recessed at 8:53 P.M.

MONDAY, JUNE 6, 2011 - 6:00 P.M. - 9:00 P.M.

The Special Council Meeting reconvened on Monday, June 6, 2011 at 6:00 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 Mrs. Mitchell, Mrs. Tieman, and Mrs. McDowell. Mayor Carey was also present.

PUBLIC COMMENT PERIOD

Mr. Edward Carl, Wilmington, stated that he understood that Council is faced with serious problems in trying to develop equitable solutions to a budget crisis. Due to limitations and the current economic crisis, he suggested that Council act "outside of the box." Mr. Carl felt that there is no solution other than cutting vital services. He stated that there is a need for a change in national policy and in order for this to happen, there should be intervention in Washington, DC. He submitted an emergency "Glass-Steagall" Resolution for Council's consideration ***(Exhibit #15).***

Mr. Gregory Moore, Becker Morgan Group (309 S. Governors Avenue), addressed members on behalf of the Downtown Dover Partnership (DDP), stating he was serving as their Acting President. He advised members of the successes of the DDP and his hopes that they can maintain the momentum during the next budget year. He advised members that Dr. William Johnston, President of Wesley College, was unable to attend this meeting and at his request, read the following statement into the record:

> "Dear Members of the City Council,
>
> It is a privilege for me to serve on the Downtown Dover Partnership in the 3 years that I have lived in Dover. It is a vital organization and I have seen the positive impact it brings to our downtown area. Personally I am also pleased to have Wesley College support our downtown and partner in any way possible.

As the Council deliberates over the budget this coming year, please know the significant impact that the Partnership and the employees are having in our downtown and I encourage you to do everything possible to support the funding of these continued efforts. Dover has many wonderful assets and the downtown is and will remain an asset in the future with the good workof the City and organizations such as the Downtown Dover Partnership.

> Thank you for your support and all that you do for our City and community."

Council President Leary noted the receipt of correspondence from Braylene Marvel ***(Exhibit #16)*** and the Central Delaware Chamber of Commerce ***(Exhibit #17).***

Mr. Dave Truax, (35 Upland Avenue), addressed members as the City's Fire Marshal and an employee. He explained the importance of the training provided for Fire Marshals and noted that, although there may be an initial cost to the City to provide the required training, savings will be realized due to the Fire Marshal's ability to handle a crime scene rather than paying for a police officer. He also suggested that members of Council continue to include employees in the budget process.

Mr. Gerald Street, 39 Hazel Road, echoed the comments of Mr. Moore in regards to the DDP. He noted that, although the DDP currently owns six (6) properties, the Old Acme Property has a $1.3M loan, which is interest only and to be paid in approximately 1½ to 2 years. The DDP is in the process of developing the property, which requires many volunteers and the assistance of City staff. Without the assistance of City staff, he relayed concern that the property will not be developed and the loan would convert to an interest bearing loan.

Ms. Cindy Small, Director of Tourism for Greater Dover and Kent County, advised members that

she serves on the Board of Directors for the DDP. She explained the importance of the tourism industry, which represents $1.5B of annual economic impact to the State of Delaware. She expressed the desire for the City of Dover to receive its portion of the $1.5B. In working with the DDP, she stated that there has been momentum in the development of the downtown area and over time, the City will reap the rewards. It was her hope that the Council will continue to support the efforts of the DDP.

AGENDA ADDITIONS/DELETIONS

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

MISCELLANEOUS INFORMATION

Based on the previous discussion and requests, staff provided members with additional documents, as follows: 1) Requested Retirement Pay by Position ***(Exhibit #18)***; 2) Subscriptions & Dues – Redundant or Duplicate Memberships ***(Exhibit #19)***; 3) Abandoned Buildings Not In Compliance ***(Exhibit #20)***; 4) Employees Eligible to Retire - May 24, 2011 ***(Exhibit #21)***; 5) Open Positions - May 24, 2011 ***(Exhibit #22)***; 6) Funding Sources Dover Public Library Building Project Update: June 6, 2011 ***(Exhibit #23)***; 7) Letter from Ms. Margie Cyr, Library Director, Additions to Library Budget Presentation ***(Exhibit #24)***; 8) Recreation Program Comparison ***(Exhibit #25)***; 9) Rate Reduction Request ***(Exhibit #26)***; and 10) Analysis of Library Reserve Account ***(Exhibit #27)***.

2011/2012 Budget - Updated Staff Proposal

Mrs. Mitchell advised members that based on previous sessions as well as direction by some members of Council, staff developed amendments to the Draft Budget. She reviewed a Presentation of the City of Dover Fiscal Year 2011/2012 Proposed Budget As Amended - June 6, 2011 ***(Exhibit #28)***.

Referring to Section 11 of the Revenue Policy as it relates to Electric Utility Transfer, Mrs. Mitchell provided members with a proposed amendment that would provide an increase in the percentage from 6.5% to 8% (see page 4 of Exhibit #18). She stated that staff has researched Fitch's rating and other community comparables. She explained her concurrence with the 8%, based on this being the amount that Fitch states provides moderate support (5%-8% range). In addition, she stated that her concurrence is based on the fact that the City of Dover has a large number of tax-exempt properties, the ability to maintain historical financial trends and debt covenants in the electric utility, the ability to provide full funding for the OPEB Pension annual contribution, the ability to provide citizens with a 5.9% PCA credit on electric rates, and there is no additional debt service projected for the electric utility over the next five (5) years.

Responding to concerns relayed by Mrs. Williams, Mrs. Mitchell stated that the City is currently working on a five (5) year forecast and the purpose of making this a policy change is to prevent the City from changing it each year, which is "frowned upon" by the rating agencies. She assured members that the electric utility can manage an 8% transfer without any repercussions.

Mr. Bonar expressed his opposition to balancing the General Fund budget by utilizing funds from the electric rate payers. He stated that the City's property taxes have been artificially kept low because of the use of the Electric Fund monies. He reminded members that property taxes are tax deductible and that electric bills are not. Although he understood the benefits of such a transfer, he felt that members should review how the City develops revenues for the long term. Responding, Mrs. Mitchell explained that there is a balance to be considered and that members of Council should take into consideration that the rate payers are also tax payers. She also noted that not all of the City's population itemizes deductions for taxes; therefore, it must be Council's decision to balance all factors and make a determination.

Council President Leary reminded members that the initial purpose of the electric utility was to address the high percentage of non-taxable properties in the City and to utilize the "profits" to subsidize other activities.

Dr. McGlumphy thanked Mrs. Mitchell and Mrs. Tieman for the amended proposed Budget and requested that all City employees join Council in becoming a part of the solution and not the problem. At this point, he suggested that members of Council approve the amended proposed Budget as presented.

There being no objections, Council President Leary declared a brief recess.

Meeting Recessed at 6:58 P.M. and Reconvened at 7:16 P.M.

Mr. Bonar moved for the addition of Item #3 - Appointment of Interim City Manager, seconded by Mrs. Williams and unanimously carried.

Appointment of Interim City Manager

Mr. Bonar announced that the appointment of an interim City Manager was discussed in executive session.

Mr. Bonar moved to appoint Mr. Scott Koenig as Interim City Manager effective June 8, 2011, seconded by Mrs. Williams and unanimously carried.

Discussion - 2011/2012 Budget (continued)

Responding to Mr. Hare, Council President Leary reiterated that the amended Draft Budget has been provided as a means to get through the next fiscal year and that additional reviews and recommendations for future budgets will be forthcoming.

Dr. McGlumphy suggested that, as discussions continue, members take a "solid" look at Pay-for-Performance and streamlining departments as well as current policies, noting that there will be a thorough discussion regarding personnel and salaries.

In addition, Mr. Bonar suggested that members review revenue enhancements that are sustainable, with the least effect on property owners, residents, and the business community.

If City employees take the opportunity to address the Legislative, Finance, and Administration Committee, Mrs. Williams suggested that if there is a need, the Chair establish a sub-committee or task force and that staff be appointed to serve on such to assure their participation.

Mr. Hutchison suggested that the City establish policies pertaining to salary scales to be based on the "Delaware market."

Mrs. Russell requested that there be no retribution to employees who address members of Council to relay concerns or recommendations.

Mr. Bonar suggested the consideration of establishing a "Suggestion Reward" Program to reward employees who provide suggestions that save City funds.

Mrs. Williams stated that employees should not just provide money saving ideas but also relay any ideas related to systemic changes.

In response to Mr. Anderson, Mrs. Mitchell stated that there are no salary increases included in the Amended Budget other than for those employees who are in either the IUE or IBEW Union (by contract).

Responding to Mr. Lynn, Mrs. Mitchell stated that the City will realize a savings of $52,000 by eliminating the position requested for the Dover Library. She explained that when the new Library opens in FY2013, the position would be put back and included at that time. She assured members that the Library Director was advised of the change. For further clarification, Ms. Cyr stated concurrence with the delay in the position, stipulating that it will be on a short-term basis.

Mr. Lynn questioned if the Amended Budget includes funding for the training previously mentioned by the Fire Marshal. Responding, Mrs. Mitchell explained that the total amount budgeted for Training/Conferences was cut in half. She assured members that if the resources are not available, staff can utilize the budget amendment procedure to move monies around in their budget.

Council President Leary noted that, in accordance with the City's Charter, the Budget Ordinances will be presented for a First Reading on June 13, 2011 and a Final Reading and Adoption will be scheduled for June 27, 2011.

In response to Mr. Anderson, Council President Leary confirmed that amendments to the Budget Ordinances would be permitted when presented for the First and Final Readings.

Dr. McGlumphy moved for acceptance of the Amended 2011/2012 Budget, as presented, with the understanding that there are line items included that can be moved by individual departments to satisfy the necessary requirements as outlined, and also that, over the next few meetings, the Legislative, Finance, and Administration Committee will discuss additional information and situations that may indicate cause for a reduction in force. The motion was seconded by Mrs. Williams and unanimously carried.

Council President Leary thanked everyone for their participation in this year's budget process.

By unanimous consent, the Meeting Adjourned at 7:41 P.M.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Special Meeting of May 17, 2011, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

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Exhibits Attached to Original Minutes and File Copy
Exhibit #1 - Introduction and Presentation of the 2011/2012 Draft Budget
Exhibit #2 - Presentation of the Selected General Fund Division Budgets for FY 2011/2012 - May 17, 2011
Exhibit #3 - Memorandum dated May 18, 2011 - Updated Draft Budget Pages
Exhibit #4 - Memorandum dated April 19, 2010 - Lockbox and Remote Deposit Services Analysis
Exhibit #5 - Line Items (30-27, 30-28, and 10-18) by Departments/Divisions
Exhibit #6 - Overtime by Division
Exhibit #7 - Statement Prepared by Finance Department--Eliminating Accounting I Position
Exhibit #8 - Presentation of the Selected General Fund Division Budgets for FY 2011/2012 - May 18, 2011
Exhibit #9 - City Manager's Legal Expenses
Exhibit #10 - Memorandum Dated May 19, 2011 - Take Home Vehicles
Exhibit #11 - Updated "Duca" Report
Exhibit #12 - Planning Office Statement
Exhibit #13 - Presentation of the Selected General Fund Division Budgets and Water/Wastewater Fund Division Budgets for FY 2011/2012 - May 19, 2011
Exhibit #14 - Presentation of the Electric Fund Division Budgets for FY 2011/2012 - May 24, 2011
Exhibit #15 - Proposed Emergency "Glass-Steagall" Resolution - submitted by Edward Carl
Exhibit #16 - Correspondence from Braylene Marvel
Exhibit #17 - Correspondence from the Central Delaware Chamber of Commerce
Exhibit #18 - Requested Retirement Pay by Position
Exhibit #19 - Subscriptions & Dues – Redundant or Duplicate Memberships
Exhibit #20 - Abandoned Building Not In Compliance
Exhibit #21 - Employees Eligible to Retire - May 24, 2011
Exhibit #22 - Open Positions - May 24, 2011
Exhibit #23 - Funding Sources Dover Public Library Building Project Update: June 6, 2011
Exhibit #24 - Letter from Ms. Margie Cyr, Library Director, Additions to Library Budget Presentation
Exhibit #25 - Recreation Program Comparison
Exhibit #26 - Rate Reduction Request
Exhibit #27 - Analysis of Library Reserve Account
Exhibit #28 - Presentation of the City of Dover Fiscal Year 2011/2012 Proposed Budget As Amended - June 6, 2011

REGULAR COUNCIL MEETING

The Regular Council Meeting was held on June 13, 2011 at 7:30 p.m. with Council President Leary presiding. Council members present were Mr. Anderson, Mrs. Russell, Dr. McGlumphy, Mr. Lynn, Mr. Bonar, Mrs. Williams, Mr. Hare, and Mr. Hutchison.

Council staff members present were Police Chief Hosfelt, Ms. Russell, Mrs. Mitchell, Mrs. Townshend, Fire Chief Fortney, Mr. Koenig, 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. Bonar moved for approval of the agenda, seconded by Mr. Hutchison and unanimously carried.

Mr. Bonar moved for approval of the Consent Agenda, seconded by Dr. McGlumphy and carried by a unanimous roll call vote.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF MAY 23, 2011

The Minutes of the Regular Council Meeting of May 23, 2011 were unanimously approved by motion of Mr. Bonar, seconded by Dr. McGlumphy and bore the written approval of Mayor Carey.

ADOPTION OF MINUTES - SPECIAL COUNCIL MEETING OF JUNE 6, 2011

The Minutes of the Special Council Meeting of June 6, 2011 were unanimously approved by motion of Mr. Bonar, seconded by Dr. McGlumphy and bore the written approval of Mayor Carey.

PRESENTATION - RECOGNITION OF SERVICE - MARK HARMON - SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

On behalf of members of Council, Mayor Carey presented Mr. Mark Harmon with a Certificate of Appreciation in recognition of his service on the Safety Advisory and Transportation Committee from May 2009 to May 2011.

PRESENTATION - RECOGNITION OF SERVICE - RICHARD J. KOSIOR - UTILITY COMMITTEE

On behalf of members of Council, Mayor Carey presented Maj. Richard J. Kosior with a Certificate of Appreciation in recognition of his service on the Utility Committee from October 2008 to May 2011.

CERTIFICATE OF CONGRATULATIONS - REUBEN SALTERS

On behalf of members of Council, Mayor Carey presented Mr. Reuben Salters with a Certificate of Congratulations on the occasion of receiving the prestigious Order of the First State Award from Governor Jack Markell on June 5, 2011.

PUBLIC HEARING - ELECTRIC REVENUE FUND BUDGET

A public hearing on the Electric Revenue Fund Budget is required for compliance with Section 505 of the 1993 Electric Revenue Refunding Bond Issue (Refunding 1985 Electric Revenue Bond) prior to adoption of the budget. Notice of the public hearing was properly advertised for this time and place.

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

Council President Leary noted that the First Reading of the Budget Ordinances would take place during the latter part of the meeting and that the Final Reading and adoption of the Ordinances are scheduled for the Regular Council Meeting of June 27, 2011.

REZONING REQUEST - PUBLIC HEARING/FINAL READING OF PROPOSED ORDINANCE #2011-13

A public hearing was duly advertised for this time and place to consider the rezoning of property located at 1151-1155 Walker Road, consisting of $1.904^{+/-}$ acres, owned by Walker Road, LLC c/o Franklin Everett, Jr. This property is currently zoned C-PO (Commercial/Professional Office Development District) and the proposed zoning is IO (Institutional and Office).

Mr. Bonar moved that the final reading of Proposed Ordinance #2011-13 be acknowledged by title only, seconded by Mr. Hutchison and unanimously carried. *(The First Reading of this ordinance was accomplished during the Council Meeting of April 25, 2011.)*

Planner's Review

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed the petition to amend the zoning district and the findings and recommendations of the Planning Commission. She noted that the Planning Commission recommended approval of the rezoning request. Mrs. Townshend advised members that the proposed use is a transitional shelter for youth leaving foster care.

Mr. Lynn, referring to Page 4, Paragraph 4 of the report, noted that children aging out of foster care are afforded, in some instances, board extension.

Mrs. Russell expressed concern with how they would handle residents that may be convicted sex offenders. Mrs. Williams stated that, in the past, a contract between the State and a private, non-profit provider required a “no dismissal, no rejection” policy, which eliminates the ability to reject anyone, regardless of their history.

Responding to Mrs. Russell, Mrs. Townshend advised members that shelters, schools, and churches would also be permitted in the proposed zone.

Public Hearing
Council President Leary declared the public hearing open.

Mr. Franklin Everett, 1151-1155 Walker Road, stated that they are working with private non-profit groups to develop the program, which they envision as a group home to transition children from foster care to independent living. Responding to Mr. Anderson, Mr. Everett stated that the upper age limit would probably be 21 years old.

Due to the proximity of the facility to public housing, Mrs. Williams suggested programming to address substance abuse and gang activity.

Responding to Mr. Hutchison, Mr. Everett stated that they are working with the architect to configure the building, and he estimated that the capacity of the facility would be between 15 and 30 residents.

Council President Leary declared the public hearing closed.

Dr. McGlumphy moved for approval of the rezoning request, as recommended by the Planning Commission. The motion was seconded by Mr. Lynn and, by a unanimous roll call vote, Council adopted Ordinance #2011-13, 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 1151-1155 WALKER ROAD

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

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

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

That from and after the passage and approval of this ordinance the Zoning Map and Zoning Ordinance of the City of Dover have been amended by changing the zoning designation from C-PO (Commercial/Professional Office Development District) to IO (Institutional and Office Zone) on that property located at 1151-1155 Walker Road (on the north side of Walker Road west of McKee Road), consisting of $1.904^{+/-}$ acres, owned by Walker Road, LLC c/o Franklin Everett, Jr.

ADOPTED: JUNE 13, 2011

PUBLIC HEARING - VIOLATION OF DANGEROUS BUILDING ORDINANCE - PROPERTY LOCATED AT 58 E. RUSTIC LANE, OWNED BY JOHN MEREIDER

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance at 58 E. Rustic Lane, owned by John Mereider. Mr. Scott Koenig, Interim City Manager/Public Services Manager/Director of Public Works, explained that there have been numerous Code violations since 2006, mostly related to junk, debris, tall grass, weeds, overgrowth, and exterior violations. He noted that the property was involuntarily registered as vacant in 2007 and that there are outstanding payments related to taxes.

Mr. Koenig reviewed slides depicting the condition of the property ***(Exhibit #1)***.

Staff recommended that City Council take the following action for property located at 58 E. Rustic Lane:

1) Declare this building dangerous and all accessory buildings on the property dangerous;

2) Order the property repaired or demolished by July 13, 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. This action is dependent upon the adoption of the FY-2012 Operating Budget for funding; and

4) Order the City Manager, with the assistance of the City Solicitor, to cause the cost of repairs or demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Mr. Koenig provided a preliminary repair estimate of between $10,000 and $15,000, including asbestos abatement.

Mr. Lynn asked if a return receipt was requested when the notice was mailed, if they had contact with the owner, and if the property was currently occupied. Responding, Mr. Koenig stated that they were in possession of the green delivery notice signed by the owner's wife, that they had not had contact with the owner, and that the property was vacant.

Mr. Bonar noted that hundreds of wrecked vehicles had previously been stored on the property and questioned whether a survey for hazardous materials or ground contamination had been done. Mr. Koenig stated that if the property owner has not completed the repairs by July 13, 2011, the environmental contractor would be requested to conduct an asbestos survey. He noted that ground contamination surveys have not been done in the past.

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

Mr. Bonar moved to: 1) declare the building located at 58 E. Rustic Lane dangerous and all accessory buildings on the property dangerous; 2) order the property repaired or demolished by July 13, 2010 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. This action is dependent upon the adoption of the FY-2012 Operating Budget for funding; and 4) order the City Manager, with the assistance of the City Solicitor, to cause the cost of repairs or demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner. The motion was seconded by Mrs. Williams and carried by a unanimous roll call vote.

PUBLIC HEARING - VIOLATION OF DANGEROUS BUILDING ORDINANCE - PROPERTY LOCATED AT 43 E. DIVISION STREET, OWNED BY NICHOLAS FEDIRKO

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance at 43 E. Division Street, owned by Nicholas Fedirko. Mr. Scott Koenig, Interim City Manager/Public Services Manager/Director of Public Works, explained that this multi-story, single-family, wood-framed dwelling has been the subject of various ongoing code violations since October 2006 and has been in a serious state of disrepair and decline for a number of years. Prior correspondence on behalf of the owner had indicated that the property was the subject of ongoing litigation between the owner and a contractor; however, no progress has been made by the owner to rectify the code violations. The City's Historic District Commission determined that the structure met the definition of "Demolition by Neglect" at their meeting on March 17, 2011. He noted that the property was involuntarily registered as vacant in 2007 and that there are outstanding payments related to taxes, Code enforcement fines, and grass cutting charges. Mr. Koenig stated that there has been ongoing litigation between the property owner and contractor; however, no progress has been made to rectify the violations.

Mr. Lynn advised members that he previously represented the property owner in the litigation related to this property and he disqualified himself relative to this item.

Mr. Koenig reviewed slides depicting the condition of the structure ***(Exhibit #2)***.

Staff recommended that City Council take the following action for property located at 43 E. Division Street:

1) Declare this building dangerous and all accessory buildings on the property dangerous;

2) Order the property repaired or demolished by July 13, 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. This action is dependent upon the adoption of the FY-2012 Operating Budget for funding; and

4) Order the City Manager, with the assistance of the City Solicitor, to cause the cost of repairs or demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Mr. Koenig provided a preliminary repair estimate of between $10,000 and $15,000.

Responding to Mr. Anderson, Mr. Koenig stated that a notice of the hearing was sent by certified mail. Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that the property owner has not been in contact with the City for more than a year and certified notices related to the Historic District Commission meeting were returned undelivered.

With regard to the backlog of properties in violation of the dangerous building ordinance, Mr. Koenig advised members that $100,000 has been allocated in the budget to address demolitions. In prior years, the budgeted amount was approximately $25,000. Mrs. Williams suggested that staff bring a budget amendment forward if they find additional funds are needed to address the violations.

Council President Leary declared the public hearing open.

Mr. Dave McClintock, 10 Pennsylvania Avenue, stated that he agrees with the information provided in the presentation and is in favor of the proposed action. He noted that the owner only mows the grass once or twice a year, the back of the garage is five (5) feet from his property, and the area around it is never maintained.

There being no one else present wishing to speak, the public hearing was closed.

Mrs. Williams moved to: 1) declare the building located at 58 E. Rustic Lane dangerous and all accessory buildings on the property dangerous; 2) order the property repaired or demolished by July 13, 2010 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. This action is dependent upon the adoption of the FY-2012 Operating Budget for funding; and 4) order the City Manager, with the assistance of the City Solicitor, to cause the cost of repairs or demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner. The motion was seconded by Mr. Bonar and carried by a roll call vote of eight (8) yes, one (1) abstention (Mr. Lynn).

MONTHLY REPORTS - APRIL 2011

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

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

EVALUATION OF BIDS - FOX HALL PUMP STATION REPLACEMENT PROJECT

The FY 2011 Capital Investment Plan for the Public Utilities Wastewater Management Division included a project to replace the existing Smith & Loveless capsular station located in the Fox Hall Subdivision. The station was originally installed in 1975 and is located along Troon Road, approximately 300 feet south of the intersection of Merion and Troon Roads. The existing pump station is equipped with two (2) five (5) hp pumps and has an existing pump rate of 174 gallons per minute (gpm). The new package pump station will be mounted on top of the existing wet well and will be equipped with two (2) ten (10) hp pumps capable of a discharge rate of 405 gpm. The new pump station will connect to the recently installed six-inch (6") force main which discharges to the McKee Road Pump Station and will be capable of bypassing to the Walker Road Pump Station if necessary. The new Fox Hall Pump Station will improve the City's wastewater system by replacing an older, antiquated station while increasing capacity at the location. The new station will also be more reliable and energy efficient.

Teal Construction, Inc.'s bid package, the low bid, was reviewed by staff and found to be free of math errors and/or irregularities. In addition, the contractor's qualification information, which included a list of recently completed projects similar in scope, as well as a financial statement, were all found to be adequate. It is staff's opinion that the low bid represents fair market value and their qualifications are in accordance with the requirements of this project.

Staff recommended awarding the construction contract to the low bidder, Teal Construction, Inc., in the amount of $318,565.00 for the Fox Hall Pump Station Replacement project and to authorize the Finance Department to execute the loan agreement between the City of Dover and the Delaware Clean Water State Revolving Loan Fund.

Mr. Bonar moved for approval of staff's recommendation, seconded by Dr. McGlumphy and carried by a unanimous roll call vote.

EVALUATION OF BIDS - HEATHERFIELD FORCE MAIN AND PUMP STATION UPGRADE PROJECT

The FY 2011 Capital Investment Plan for the Public Utilities Wastewater Management Division included a project to replace Heatherfield Pump Station's existing four-inch (4") force main with a new six-inch (6") force main to increase capacity. The approximate 1,066 feet of force main will

be installed via directional drilling from the pump station on Stoney Drive to the manhole at the entrance to the Heatherfield Subdivision. The pumps will be upgraded from one and one-half (1.5) hp motors to three (3) hp high efficiency motors and by installing new eight-inch (8") impellers. The pumping rate at the station will be increased from ninety (90) gallons per minute (gpm) to 210 gpm. This project will improve the City's wastewater system by increasing the capacity at this location and replacing older, inefficient motors with new, more reliable energy efficient motors.

Teal Construction, Inc's. bid package, the low bid, was reviewed by staff and found to be free of math errors and/or irregularities. In addition, the contractor's qualification information, which included a list of recently completed projects similar in scope, as well as a financial statement, were all found to be adequate. It is staff's opinion that the low bid represents fair market value and their qualifications are in accordance with the requirements of this project.

Mr. Koenig advised members that this project is currently tracking over budget; therefore, staff is requesting that additional funds be provided by transferring $17,000 from the Fox Hall Pump Station project (Wastewater Impact Fee funds), as this project is under budget. The additional $17,000 is requested to cover the total cost of engineering services, as well as the construction bid for the Heatherfield Force Main and Pump Station Upgrade.

Staff recommended awarding a construction contract to the low bidder, Teal Construction, Inc., in the amount of $232,475 for the Heatherfield Force Main and Pump Station Upgrade Project, authorizing the Finance Department to execute the loan agreement between the City of Dover and the Delaware Clean Water State Revolving Loan Fund, and transferring $17,000 from Project WW1007.

Dr. McGlumphy moved for approval of staff's recommendation, seconded by Mr. Hare and carried by a unanimous roll call vote.

EVALUATION OF BIDS - FY 2011 SPRING STREET PROGRAM

In conjunction with the City of Dover's Capital Investment Plan, it is proposed to rehabilitate various pavement sections throughout the City of Dover during Fiscal Year 2011. Although the bid documents included seven (7) locations under the proposed scope of work to be completed under the FY 2011 Spring Street Program, the locations for the Spring Street Program will be altered to reflect the available funding. The proposed locations are:

Janes Road	Independence Boulevard	South New Street	Freedom Drive
Mays Lane	Liberty Drive	Pennsylvania Avenue	

The FY 2011 Spring Street Program contract documents allow staff to alter quantities up to 50% without changes to unit prices; therefore, the final contract value may be adjusted to reflect all available funding. Daisy Construction Co., the low bidder, was the City's contractor for the last Street Program and their quality of work was more than satisfactory. In addition, their billing and certified payroll was submitted in a timely manner and coordinated with the Public Works Inspector.

Staff recommended awarding a unit price contract for the FY 2011 Spring Street Program to Daisy Construction Co., based on the unit prices for each work item. The scope of work for the program will be altered to reflect the funding that has been secured to complete each location. The Public Services Manager may add or delete from the contract based on available funding throughout the contract period and inform the City Manager of such additions or deletions. All work will be paid for at the unit prices bid for work completed and accepted by the City of Dover. The total work authorized under this contract will not exceed the available funding of $483,240.

Mr. Bonar moved for approval of staff's recommendation, seconded by Mr. Hutchison and carried by a roll call vote of eight (8) yes, and one (1) no (Mr. Anderson).

FY 2011 Spring Street Program - Extra Work Request Per DelDOT Agreement

Staff recommended the award of the FY 2011 Spring Street Program to Daisy Construction Co., Inc. based on their low bid for the work outlined in the project specifications. Recently, the State of Delaware Department of Transportation (DelDOT) sent the City of Dover a proposed agreement ***(Exhibit #3)*** to construct the Eden Hill Farm North Street Roundabout. Daisy Construction Co. has prepared a construction budget proposal for the project in the amount of $499,080. This amount has been reviewed and accepted by DelDOT for the construction of the proposed improvements. Once the improvements have been constructed in accordance with the approved plans (labeled North Street Entrance), these improvements are to be owned and maintained in perpetuity by the City of Dover. The type of work involved in the project has the same general work classification as the Spring Street Program (Highway Construction); however, the quantities vary and there are work items in the North Street Entrance project that are not required in the performance of the original FY 2011 Spring Street Program contract. Therefore, the cost of this extra work has been "negotiated" in accordance with the construction proposal.

City staff will provide construction inspection services during the project. Once the project is complete, a Council Action Form will be presented to the Utility Committee and City Council recommending dedication and acceptance of the public improvements.

Staff recommended executing the Eden Hill Farm North Street Roundabout Agreement and awarding a lump sum change order to Daisy Construction Co. for the extra work request to the FY 2011 Spring Street Program in an amount not to exceed $500,000, unless further amended in accordance with the agreement between the City of Dover and DelDOT.

Mrs. Williams, noting the length of time it took Daisy Construction Co. to complete the Governors Avenue Project, suggested providing incentives for more timely completion. Mr. Koenig stated that the contract does not include incentives; however, it does include liquidated damage penalties. He advised that this is a removal and replacement project, so the work should progress much faster than a total reconstruction project. Mr. Koenig noted that Daisy Construction traditionally has employed a single subcontractor to complete the concrete work and their crews complete the paving work. This project will not involve utility relocation and the traffic volume on these streets will be lower.

Mr. Hare moved to authorize staff to execute the Eden Hill Farm North Street Roundabout Agreement and award a lump sum change order to Daisy Construction Co. for the extra work request to the FY-2011 Spring Street Program in an amount not to exceed $500,000 unless further amended in accordance with the agreement between the City of Dover and the State of Delaware Department of Transportation. The motion was seconded by Mr. Hutchison and carried by a unanimous roll call vote.

MAYORAL APPOINTMENTS - COMMITTEES (ANNUAL APPOINTMENTS DEFERRED DURING THE MEETING OF MAY 9, 2011)

By consent agenda, Mr. Bonar moved for approval of the Committee appointments for 2011/2012, as recommended by Mayor Carey. The motion was seconded by Dr. McGlumphy and by a unanimous roll call vote, the following appointments were made:

Dover Public Library Advisory Commission
Sean Lynn

Downtown Dover Partnership
David Anderson
Anita Evans *(Undesignated Representative - To Fill the Expired Term of Ami Sebastian-Hauer - Term to Expire May 2014)*
Lucy Finley *(Undesignated Representative - To Fill the Unexpired Term of Stanford A. Smith, Sr. - Term to Expire May 2014)*
Maxine Lewis *(Downtown Retailer - To Fill the Unexpired Term of Erin Tinsley - Term to Expire May 2013)*

REAPPOINTMENTS RECOMMENDED BY MAYOR CARLETON E. CAREY, SR. -

Mayor Carey requested the following reappointments:

Planning Commission - Three (3) Year Terms to Expire June 1, 2014
Francis C. Nichols - First District Representative
Robert D. Welsh - First District Representative
Fred Tolbert - Third District Representative

Dover Public Library Commission - Five (5) Year Term to Expire June 16, 2016
Dorothy Snyder

By consent agenda, Mr. Bonar moved for approval of the reappointments, as recommended by Mayor Carey, seconded by Dr. McGlumphy and carried by a unanimous roll call vote.

FIRST READING - PROPOSED ORDINANCE #2011-16

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 ordinance will take place during the Council Meeting of June 27, 2011.

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

- Ordinance #2011-16 - 2011/2012 City of Dover Budget

COUNCIL MEMBERS ANNOUNCEMENTS

Council President Leary announced that the African American Festival would be held on Saturday, June 25, 2011. He also wished Councilman Hutchison a happy birthday.

Mayor Carey reminded everyone of Flag Day on June 14th and requested that they fly their flags with pride and to remember the men and women serving in the military.

Mr. Hutchison thanked the City Planner and City Manager for their assistance with a recent situation involving the CEO of a local business.

Dr. McGlumphy thanked Mrs. Mitchell and Mrs. Tieman for their work on the budget.

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

Meeting Adjourned at 8:49 P.M.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of June 13, 2011, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

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Exhibits Attached to Original Minutes and File Copy
Exhibit #1 - Presentation - Violation of Dangerous Building Ordinance - 58 E. Rustic Lane
Exhibit #2 - Presentation - Violation of Dangerous Building Ordinance - 43 E. Division Street
Exhibit #3 - Eden Hill Farm North Street Roundabout Agreement

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

The Parks, Recreation, and Community Enhancement Committee Meeting was held on June 13, 2011, at 12:00 p.m. with Chairwoman Russell presiding. Members present were Mr. Anderson, Mrs. Horsey, and Mr. Lewis. Mr. Hare was absent.

AGENDA ADDITIONS/DELETIONS

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

Silver Lake Revitalization - Phase III

During their meeting of March 8, 2010, members reviewed information regarding a Silver Lake Revitalization Project and recommended approval of a landscaping and stormwater improvement plan for Silver Lake Park. Mr. Zachery Carter, Director of Parks and Recreation, explained that staff from the City, the State of Delaware Department of Natural Resources and Environmental Control (DNREC), and the Kent Conservation District are continuing their efforts to reduce pollution in the St. Jones river watershed area, particularly in the area of Silver Lake. He noted that planning for Phase III of the project, which includes the portion of the St. Jones river that runs between Division and Loockerman Streets, is currently underway. Mr. Carter stated that residents near the target area were consulted regarding this phase of the project and a public meeting was held where plans for the project were displayed. He stated that the community did not relay any concerns regarding Phase III and that members of the Silver Lake Commission reviewed the proposed plans and were supportive. Mr. Carter noted that the purpose of presenting information regarding the project to the Committee was to provide members an opportunity to comment on the plans. He indicated that the State is also considering dredging Mirror Lake and that he hoped to hear more about this possibility within the next one (1) to two (2) months.

Ms. Brittany Benson and Ms. Jennifer Bowman, St. Jones Watershed Coordinators, Kent Conservation District, reviewed a presentation - Silver Lake Park Revitalization Project - Phase III - Park Drive. Ms. Benson explained that the Clean Water Act of 2006 required Delaware to develop a list of impaired waterways and determine the associated Total Maximum Daily Load (TMDL), which is the maximum level of pollutants that a water body can receive and safely meet water quality standards. She indicated that the St. Jones watershed has been identified as an impaired waterway and that the Silver Lake sub-watershed of the St. Jones provides the greatest opportunity to make significant improvements. Ms. Benson stated that the Silver Lake Park Revitalization Project was developed by the St. Jones Tributary Action Team to reduce TMDL's. She advised members that the goal of the project is to create a permanent, 100-foot buffer consisting of native plantings bordering the eastern side of the St. Jones river in the targeted area. After meeting with and surveying residents, the team determined that problems in the region include poor water quality, poor habitat value, Canada goose waste, sedimentation of Mirror Lake, and periodic flooding. Ms. Benson stated that the proposed buffer would aid in improving water quality and also result in aesthetic improvements in the area. She indicated that additional goals would be to remove invasive plant species and restore the shoreline.

Ms. Benson explained that three (3) major plantings in Phase I have been accomplished, Phase II design is complete and is being bid out to a contractor, and work has begun on Phases III and IV of the project.

Ms. Bowman reviewed recommendations as to the specific species of plants, shrubs, and trees proposed for this area. She presented two (2) landscaping designs, the original design which contained a "denser" vegetation plan and a second, scaled-back version which contained fewer plantings. She indicated that feedback received from residents indicated a preference for the second option, which reduces obstruction of the view of the waterway.

Mr. Carter indicated that the Silver Lake Commission also favored the "less dense" landscape design, which would provide a better view of the river and would also allow for easier monitoring of the area. He stated that the plan would reduce the amount of area currently being mowed, which would also reduce expenses.

Mr. Dean Holden, Chair of the Silver Lake Commission, expressed gratitude to Mr. Lyle Jones, DNREC Program Manager, Ms. Benson, and Ms. Bowman for their efforts on the project, stating that the work already accomplished has added to the beauty of the region, helped to deter Canada geese from utilizing the area, and aided in stream restoration. He also commended them for working with area residents and the Silver Lake Commission to resolve their concerns.

In response to Mr. Anderson, Mr. Scott Koenig, Interim City Manager, stated that completion of the project would demonstrate that the City is making progress toward meeting the provisions of the City's Municipal Separate Storm Sewer (MS4) permit. He noted that, due to the scope of the pollution problems in Silver Lake, the project would probably not result in statistical improvement; however, the City will receive credit for making a community improvement that shows progress toward meeting the overall burdens of the permit. Mr. Carter stated that community education projects that the Watershed Coordinators completed at the Agricultural Museum and Dover High School will also be credited as activities that help to reduce Silver Lake pollution.

Mr. Jones anticipated that completion of Phase II of the Revitalization Project, which involves construction in the Silver Lake Dam area, will bring about major water quality improvement. In addition, he felt that restoring the shoreline, reducing the sediment, and decreasing the Canada goose population will benefit the water quality.

In response to Mr. Anderson, Mr. Jones stated that reducing the bacterial count in Silver Lake will be a long-range project, due to the quantity of sediment, bacteria, and direct discharge from street drains in the City.

Responding to Mr. Anderson regarding the use of local and minority contractors to complete the project, Mr. Jones stated that much of the work for the project will be performed by City grounds staff and volunteers. He emphasized the importance of obtaining qualified contractors for the project, particularly for major construction to be completed during Phase II in the area between the Silver Lake Dam and the footbridge and indicated that qualified minority and local contractors who submit bids for the project will receive full consideration.

In response to Mrs. Horsey, Mr. Jones stated that they are planning to spray invasive plants in the area, including poison ivy that has accumulated at the Court Street Bridge near Legislative Hall.

Mrs. Russell, Mr. Anderson, and Mrs. Horsey commended Mr. Jones, Ms. Benson, and Ms. Bowman for the aesthetically pleasing and well-designed plan and extended thanks for their efforts related to the project.

By unanimous consent, the Committee recommended approval of the plan as presented.

Mrs. Ann Marie Townshend informed members that a bus tour to visit projects completed using Community Development Block Grant (CDBG) funds, originally scheduled for June 13, 2011, was canceled. She indicated that it is planned to reschedule this event in conjunction with the Committee's meeting in July. Mrs. Townshend advised members that the tour would allow them the opportunity to view sites funded through the Neighborhood Stabilization Program, visit the Interfaith Mission for Housing, and examine areas in the City that have benefitted from housing rehabilitation and infrastructure investments.

In response to Mr. Lewis, Mrs. Townshend stated that properties that receive CDBG funds for improvements are examined to ensure work has been completed before payment is issued, and properties are also inspected if a building permit is issued; however, she stated that perhaps a 6-12 month follow-up survey should be performed to ensure that work has been executed in a professional manner.

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

Meeting adjourned at 12:48 P.M.

Respectfully submitted,

Sophia R. Russell
Chairwoman

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UTILITY COMMITTEE

The Utility Committee Meeting was held on June 13, 2011 at 5:00 p.m. with Chairman Bonar presiding. Members present were Mrs. Williams, Mr. Blakeman, and Mr. Snaman. Mr. Lynn was absent.

AGENDA ADDITIONS/DELETIONS

By unanimous consent, the agenda was approved, as presented.

Dedication of Rights-of-Way and Public Infrastructure - Blue Hen Apartments

The developer of the Blue Hen Apartment Complex, Pettinaro Construction Co., Inc., has requested that all public infrastructure improvements adjacent to this project be dedicated to the City of Dover for permanent ownership and maintenance. Members were provided a list of all of the public improvements associated with this project, as well as a map showing the general location and configuration of the subject rights-of-way. Pettinaro Construction, Co., Inc. has constructed all of the improvements in accordance with City standards and specifications. After construction was completed, City staff inspected the public improvements and provided the developer with a list of repairs to be made to meet the City of Dover Standards and Specifications for Public Works Construction. As of this date, all work related to the public infrastructure has been completed by the developer. A one (1) year Maintenance Agreement, Letter of Credit, and a Release of Liabilities will be submitted by the developer as part of the dedication process. In addition, as-built drawings of the subject improvements and rights-of-way have been submitted to the City of Dover as permanent records.

Staff recommended acceptance of dedication of rights-of-way and public infrastructure adjacent to the Blue Hen Apartment Complex, to include all referenced public improvements, as follows:

Street Infrastructure (0.3040 miles) (Construction Value = $ 240,750):

Blue Hen Boulevard	Station 0+00 to Station 11+60	1,160 l.f.
Haslet Street	Station 0+00 to Station 4+45	445 l.f.

Mr. Scott Koenig, Public Services Manager/Director of Public Works/Interim City Manager, advised members that the total construction value of the public improvements is $240,750.

In response to Mrs. Williams, Mr. Koenig stated that he is satisfied with the outcome of the improvements.

Responding to Mr. Blakeman, Mr. Koenig explained that the "rough patch," located approximately 200 feet from the stop sign was caused by a water main break during the winter. He stated that the water main existed prior to these improvements and was already dedicated to the City of Dover. Mr. Koenig indicated that the City will be completing a repair patch on that break, probably within the next 30 to 60 days, pending the approval of a street contractor. Based on his assessment of the problem, Mr. Koenig stated that the developer is not responsible for these repairs since the City's infrastructure failed after the developer completed his improvements.

Mrs. Williams moved to recommend acceptance of dedication of rights-of-way and public infrastructure adjacent to the Blue Hen Apartment Complex, to include all referenced public improvements, as detailed on the List of all Public Improvements *(Attachment #1)*. The motion was seconded by Mr. Blakeman and unanimously carried.

Universal Recycling Grants - Recycling Services Reimbursement Agreement

In June 2010, the State of Delaware passed legislation which established Universal Recycling in Delaware. This legislation requires the implementation of comprehensive residential and commercial recycling programs by municipalities and private waste haulers. It also established the Delaware Recycling Fund and the Recycling Grants and Low-Interest Program to defray the costs of implementation, with funding derived from the conversion of the former bottle deposit to a Recycling Fee on beverage containers.

In January 2011, the City of Dover submitted a series of grant applications related to the implementation of a comprehensive recycling program. In April 2011, the City of Dover was informed that Universal Recycling Grant funding will be awarded to the City, in the amount of $101,151, as follows:

1. Public Information & Education for Customers	-	$ 15,000.00
2. "Schedule Change" Flyers Reimbursement	-	$ 3,115.00
3. Curbside Recycling Container Labels (Qty. = 15,250)	-	$ 2,798.00
4. Purchase of 1,782 wheeled recycling carts	-	$ 80,238.00
		$101,151.00

Staff requested authorization to execute the reimbursement agreement and begin the work associated with the agreement. The City of Dover expended funds in FY2011 for the purchase of wheeled recycling containers, curbside recycling container labels and "Schedule Change" flyers. All of these expenses are related to the implementation of the curbside program and will be eligible for reimbursement once the agreement has been signed. These expenses are part of the funds identified in 2, 3 and 4, listed above.

In response to Mrs. Williams, Mr. Koenig explained that the need to purchase 1,782 wheeled recycling carts was determined by calculating the estimated number of residential houses downtown and small businesses that will need carts, and the cumulative number of mobile homes in the City.

Responding to Mr. Blakeman, Mr. Koenig indicated that Section 2 - Reimbursement of Appendix A of the Recycling Services Reimbursement Agreement refers to future rounds of the grants and that this round only includes the $101,151.00 of expenses.

In response to Mr. Blakeman, Mr. Koenig stated that the dates in the contract will be pushed back.

Mr. Snaman questioned how apartment complexes would be addressed. In response, Mr. Koenig indicated that the Universal Recycling legislation provides a deadline by which recycling service must be extended to apartment complexes; however, as a hauler, the City of Dover does not pick up

individual apartment complexes. He indicated that private sector haulers will have to address ways to pick up recyclables at those facilities.

Responding to Mrs. Williams, Mr. Koenig stated that the City has not extended the curbside recycling program to Brandywine Court Condominiums. He indicated that a method for collecting curbside recyclables there will need to be developed.

Mrs. Williams suggested that Mr. Koenig contact Brandywine Court Condominiums to request that a community meeting be scheduled.

In response to Mr. Bonar, Mr. Koenig stated that the City received approximately $350,000 in donated recycling carts from the Delaware Solid Waste Authority and this reimbursable grant will cover the expense for 1,782 recycling carts. The City will have future expenses related to repairs to existing carts and the purchase of new carts. Mr. Koenig explained that the City will have to provide a regular trash container and a recycling cart to each newly constructed house at a cost of approximately $100 per house. Historically, there have been between 300 to 400 new homes constructed each year and in the next five (5) years he anticipates that between 200 to 300 new homes will be constructed per year.

Mr. Koenig stated that the recycling contract for the hauler that collects recyclables will cost the City approximately $240,000 this year and will be the major cost of the recycling program over the next five (5) years. He noted that these expenses are not reimbursable.

Mrs. Williams moved to recommend authorizing staff to execute the Recycling Services Reimbursement Agreement with Delaware Department of Natural Resources and Environmental Control (DNREC) *(Attachment #2)*. The City of Dover will be eligible for reimbursement up to $101,151.00 for work and/or services identified in the agreement. The motion was seconded by Mr. Snaman and unanimously carried.

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

Members were provided a Project Tracking Report, as of April 30, 2011, for the Utility (Electric and Water/Wastewater) Related Capital Investment Plan (CIP).

At the request of Chairman Bonar, Mr. Ronald Lunt, Director of Public Utilities, reviewed the status of the Major Projects in the Utility (Electric and Water/Wastewater) Related Capital Investment Plan (CIP).

Regarding the 1.0 MG Elevated Water Storage Tank, Mr. Lunt advised members that this project has been delayed due to the new model not working properly. The Public Utilities Department has received assistance from consultants and the new engineering firm, who have greater expertise in this area. Mr. Lunt explained that the delay was also related to the Garrison Energy Center requesting a water usage study, as the department focused on helping them understand the types of water improvements that may be required for the project if it moves forward.

Mr. Lunt informed members that upon submitting application to the Delaware Department of Natural Resources and Environmental Control (DNREC) for Well 8, DNREC requested a comprehensive review of all of the City's well permits and allocations. He stated that there have been several meetings between Public Utilities and DNREC, and that DNREC has been open to their ideas. DNREC was happy to learn that the City is examining the possibility of modifying some of the current allocations to provide better protection to the ground source water.

In regard to the US 13 East Sanitary Sewer Interceptor, Mr. Lunt stated that the project is substantially complete with only a few punch list items remaining and he expects to close out the contract within the next month or month and one-half.

Mr. Lunt stated that construction has begun on Bayard Avenue and work began on the alley east of Bayard Avenue earlier in the day. The contract for the jack and bore has been issued and work should begin underneath Loockerman Street within the next month.

Regarding Phase II of the water project on the East side of North State Street, Mr. Lunt noted that the project was delayed in order to reallocate the funds to the Route 13 Water Main project.

Mr. Lunt reported that the Route 13 Water Main project has begun and reminded members that it requires night work and road lane closures.

Referring to the Remote Control and Monitor Wells project, Mr. Lunt reminded members of the master station failure at the water treatment plant and that funds were reallocated to this project. He reported that the master station was delivered within the last month and has been functionally installed.

Mr. Lunt stated that the FY 2010 Inflow/Infiltration Removal (I & I) project is part of the Division Street project and that some of the mains in the area west of Governors Avenue and north of Division Street have been completed. Division Street is scheduled to be closed with complete detour beginning the evening of July 9, 2011 for one (1) week. He informed members that Mrs. Kay Dietz-Sass, Public Affairs Coordinator, is handling all public notification for this project. Mr. Lunt reported that the Delaware Department of Transportation (DelDOT) has worked with the City on this project and will detour truck traffic to Route 13 via Scarborough Road. Although they do not typically detour traffic into other construction zones, such as the Route 13 Water Main project, they will allow the City to complete this work with only a one-lane restriction shut down. He commended DelDOT for accommodating the City in regard to this project and noted that the relationship between the City and DelDOT has improved as a result of quarterly meetings.

Mr. Lunt informed members that bids for the Fox Hall Pump Station and Heatherfield Force Main Rerouting projects will be considered for award by Council later in the evening.

In regard to the Tar Ditch Interceptor Upgrade, Mr. Lunt advised members that there are several issues related to this project. It was discovered that the current sewer line, in the Tar Ditch east of State Street, is misaligned and that both sections will need to be replaced. While researching this

problem, staff learned that there are no current easements recorded for this sewer line. Mr. Lunt stated that staff has met with the homeowners to discuss options for this project and indicated that they have not been receptive to the project, especially the requirement for the removal of one (1) large tree, but have come up with options that staff is in the process of evaluating. He noted that the City's options for moving the line are limited because there is a storm sewer main located next to the sanitary sewer and there is not a lot of extra elevation drop between the first and last manholes.

In response to Mr. Bonar, Mr. Lunt indicated that staff will need to meet with the homeowners again to determine if they will grant easements and to explore different options.

Responding to Mrs. Williams, Mr. Lunt supposed that the misalignment was the result of incorrect installation of the sewer line and stated that the engineer estimated that the line was installed in the early 1960s or earlier.

Mr. Lunt stated that the Various Pump Motor Replacement project was part of a grant that was received from the State within the last two (2) years. He noted that the pump motors were replaced in one (1) well and in two (2) different pump stations and this project is now complete.

Mr. Lunt reminded members that the Miscellaneous Distribution System Upgrade project is a place holder for possible water main breaks that may require an expensive repair.

Regarding the Wellhead Redevelopment project, Mr. Lunt noted that it is an active project that will be completed this fiscal year and the budgeted funds will be expended.

Mr. Lunt stated that the design work related to the water quality projects for Columbia Avenue, Ross Street, William Street, and West Street (W. Alley) is partially complete; however, due to funding issues, these projects have been delayed until FY 2012.

Mr. Lunt reported that the FY 2012 Inflow/Infiltration (I & I) Removal will be completed in conjunction with the Division Street project. There are two (2) different contractors for the main relining and the I & I projects for the manholes, so staff has coordinated the contractors to complete Division Street first and then the contractor for the I & I will seal the other remaining manholes.

Mr. Lunt informed members that the SCADA Technical Equipment Upgrade is an annual upgrade of all obsolete Remote Terminal Units (RTU) and lift stations and that this project has been completed for FY 2011.

Referring to the vehicles and equipment project noted on Line 23 of Page 5 of the Project Tracking Report, Mr. Lunt reported that all vehicles and equipment have been ordered and this project is complete.

In response to Mr. Blakeman, Mr. Lunt stated that the Walker Road Overhead Conversion was cancelled because the price was too high for the water part and would have required funds for too many years. It was Mr. Lunt's opinion that there was no need to bury the electric if the water would not be completed simultaneously.

Mr. Lunt reported that the City's electric line relocation for the Wyoming Mill Road Realignment is complete.

Mr. Lunt explained that the funds from the Walker Road Overhead Conversion were reallocated to accelerate a new project for substation switches, 69kV Substation Switch Replacement, because two (2) or three (3) of the switches in North Street burned up. He indicated that all of the new switches have been ordered for the North Street substation and, next year, this project is scheduled to be completed under one (1) outage, utilizing the Potential Transformers (PT), Current Transformers (CT) and arresters which have been ordered under separate projects.

Mr. Lunt indicated that the CIPs regarding the plant are included in the PACE/NAES Report and would best be discussed with the next item on the agenda.

By unanimous consent, the committee recommended acceptance of the Utility Related Capital Investment Plan (CIP) (Electric and Water/Wastewater) Report.

PACE/NAES Report *(March and April)*

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

Mr. Ronald Lunt, Director of Public Utilities, reviewed the PACE/NAES monthly report for April 2011. He reported that the City's cost-of-service continued to remain below budget and that sales were a couple thousand megawatt hours over projection, which is based on weather normalized loads.

For the benefit of the new members, Mr. Lunt called attention to the charts contained throughout the PACE/NAES monthly report for April 2011. He informed members that the budget and actual amounts depicted on these charts for July through December 2010 are identical because, during the semiannual adjustment, in January 2011, the projections in the budget were reset to reflect the actual amounts.

In response to Mr. Bonar, Mr. Lunt indicated that Units 1, 2, and 3 ran during the last two (2) weeks for an approximate total of seven (7) hours. He also explained that a scheduled run for Unit 3 was cancelled and staff is working with PJM to receive compensation for fuel expenses for the near run time.

Responding to Mrs. Williams' questions regarding the shelf life of Units 1 and 2, Mr. Lunt stated that these units have exceeded the shelf life. He explained that the veins where the steam enters into the turbine are showing heavy wear and the only way to repair or fix them is to pull the units apart. It will now need to be determined whether it would be more economically advantageous to pull the units apart or continue to operate safely until they fail.

In response to Mr. Bonar, Mr. Lunt requested the opportunity for The Energy Authority (TEA) to provide guidance regarding this matter before it comes before the committee again.

Mr. Lunt reported that although Units 1 and 2 have exceeded the shelf life, they are 17 megawatt units so it does not take a lot of time to make a return on the investment.

Referring to Page 5, Wholesale Cost-of-Service Summary (Projected), Mr. Blakeman requested clarification regarding the solar plant. Mr. Lunt explained that in this monthly report, the solar plant was rolled into the cost-of-service instead of listed as with solar and without solar because staff had a firm idea of when it was going to come online.

Mr. Lunt informed members that the cost-of-service summary also includes the total Solar Renewable Energy Credits (SREC) and decisions will need to be made as to whether the City holds them, banks them, etc. He stated that, theoretically, the City could sell them, at least for the first year or two, until City Renewable Portfolio Supply Standards (RPS Standards) are developed which is required by January 2014.

Responding to Mrs. Williams, Mr. Lunt stated that Delmarva Power also has excess credits. He explained that there is a market for selling the SRECs, although the price has decreased.

Referring to the Capital Improvement Projects (CIP) for the Plant, beginning on Page 36, Mr. Lunt reported that the power plant conducted the Spring Outage and he is not aware of any related problems.

By unanimous consent, the committee recommended acceptance of the PACE/NAES Reports for March and April 2011.

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

Mrs. Ann Marie Townshend, Director of Planning and Community Development, updated members on the status of the National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems (MS4) Permit.

Mrs. Townshend explained that the City of Dover Municipal Separate Storm Sewer System (MS4) is the system of pipes that conveys water from the streets to surface water, stormwater ponds, and other infrastructure. The City's MS4 is regulated under a permit through the Delaware Department of Natural Resources and Environmental Control (DNREC) as part of the Clean Water Act and DNREC's authority to hold the permit is delegated from the US Environmental Protection Agency (EPA). She stated that the City's permit began in 2003, expired in 2008, and has been administratively extended through DNREC. Mrs. Townshend reported that there are a number of issues with the permit, and the program in general, throughout the State of Delaware. Several municipal and county governments in New Castle County have experienced difficulty renewing their permits through the EPA. Mrs. Townshend indicated that she had hoped that the City would be under a new permit by now; however, DNREC has made it clear that it may take a year or more. She stated that DNREC has continued to provide the City with actions to take, in order to maintain the administrative extension. Previously, the City received a notice of violation for not completing several conditions of the permit and Mrs. Townshend reported that the violation was cleared in

November 2010. She informed members that a report was submitted to DNREC listing the items that were not on the previous notice of violation and had not been completed. DNREC has indicated that the City should expect to receive another notice of violation, which is intended to allow the City to maintain the administrative extension until the beginning of 2012. Mrs. Townshend hoped that by that time the City will complete all actions for the permit that was initiated in 2003 and those items that have been added during the administrative extension.

In response to Mrs. Williams, Mrs. Townshend stated that the City did not deliberately provide DNREC with the information in order to foster an administrative extension. She explained that the City has been working with DNREC for the past two (2) years but that there were a number of reasons for the City becoming non-compliant. Mrs. Townshend stated that there was a period of time, under previous managers at DNREC, that DNREC was not focused on the program or interacting proactively with the municipal governments that are regulated under the program. Additionally, the City was not adequately staffed and problems related to brown water diverted staff from spending a lot of time on the program. She stated that DNREC has kept the City under a notice of violation to prevent the EPA from taking over the permit.

Responding to Mrs. Williams, Mrs. Townshend informed members that, at this time, the City is in sync with DNREC and staff is working to complete all actions associated with the permit. She stated that staff has been actively working to develop a number of brochures, a few of which have been completed during the past few months and several that should be completed later this summer and early fall. She also indicated that the City is required to develop and utilize a survey to measure the effectiveness of the City's stormwater program and that staff will be working with students in the Wesley College Environmental Studies Program to develop a survey to be administered every two (2) years to monitor changes.

Furthermore, Mrs. Townshend stated that, through the permit, staff has placed medallions on storm drains throughout the City and is expected under DNREC to install at least 50 medallions per year. She noted that undergraduate students in the Wesley College Environmental Studies Program are also being utilized to organize volunteer efforts to complete this.

Mrs. Townshend informed members that Mr. Mark Nowak, GIS Coordinator, and Mr. Scott Koenig, Public Services Manager/Director of Public Works, have been working diligently on the GIS mapping of the storm sewer system and this will probably continue to be an ongoing project in perpetuity.

Mrs. Townshend stated that through meeting with DNREC it is understood that the City will be required to complete yearly dry weather inspections of 33 stormwater pipe outlets to determine if water is coming out during dry weather, which would indicated some type of input into the system that is not stormwater.

In response to Mr. Bonar, Mrs. Townshend stated that DNREC has not yet provided the criteria for performing these inspections; therefore, the definition of dry weather is not known at this time. Mr. Koenig clarified that although it depends on the system, he believed that DNREC will want the

City to perform summer inspections of all outfalls to determine if there are additional inputs into the system during the driest conditions available. He also informed members that this requirement is not prescriptive in the legislation.

Responding to Mr. Bonar, Mrs. Townshend stated that DNREC will be satisfied by the City's annual report stating that the inspection of 33 outlets has been completed.

In response to Mrs. Williams, Mrs. Townshend explained that if illicit discharges are found during the inspections, staff will have to discover where they are entering the system and address the problem.

Responding to Mrs. Williams, Mrs. Townshend stated that having a sanitary sewer system or a greywater system connected to the stormwater system, residents not properly disposing of waste when working on their cars, and vendors pouring grease down storm drains during events held on The Green would be examples of illicit discharge.

Mrs. Townshend informed members that employees are expected to attend training as part of the MS4 permit. She stated that, last September, 47 employees from the Public Works, Planning, Inspections, and Public Utilities departments attended a BlueCard Training Class, which provided a general overview of stormwater management. In addition, Mrs. Townshend indicated that Mr. Michael Albert, Planner II, and she attended the Certified Construction Reviewer class in March 2011 and both are now certified. She stated that, in conjunction with DNREC, she will develop additional training for City staff and noted that training for identifying an illicit discharge could be incorporated into safety training.

Mrs. Townshend explained that while the City is responsible for the permit, stormwater management review authority is held by the Kent Conservation District; therefore, the City is required to enter into an administrative memorandum of understanding with the Kent Conservation District. She stated that staff presented a draft memorandum of understanding to the Kent Conservation District, has not received a response, and will follow up.

Mrs. Townshend informed members that the City is required to submit an annual report to DNREC, and in the next annual report DNREC will want a budgetary report of funds spent to comply with the requirements of the permit.

Additionally, Mrs. Townshend stated that an internal, staff-level stormwater committee will be developed and meet on a routine basis.

In response to Mrs. Williams' question regarding the City's costs for this program, Mrs. Townshend stated that there are no costs to the City associated with this program, at this time, because it was a strategic item that was cut from the budget. She explained that staff is working to incorporate the program into other department functions in order to track the expenses.

Mrs. Townshend reviewed the resources that are being utilized to accomplish the tasks associated with the MS4 permit. She emphasized the importance of Dr. Bruce Allison, Chair of the Environmental Studies program at Wesley College, who has provided student volunteers and offered limited funds for the program. Mrs. Townshend stated that, as a result of the assistance provided by Dr. Allison as well as that of the watershed coordinators that are shared by the City and DNREC, there has been no need to hire a consultant. She also explained that staff has researched possible grant applications; unfortunately, several applicable grants were discovered too late for the City to apply. Additionally, Mrs. Townshend mentioned that it may be possible to obtain funds through DNREC as long as the City provides staff, as is being done for the Silver Lake Revitalization Project.

Mrs. Townshend reiterated that staff is working diligently on completing the tasks associated with the permit because she does not want the City to receive administrative penalties (fines) from DNREC or be turned over to the EPA for enforcement.

Mr. Bonar requested that Mr. Koenig ensure that members are advised, well in advance, of any foreseen requests regarding infrastructure replacements that will be required, particularly if it appears that the City is in peril.

Mr. Bonar also requested that staff be more proactive in finding available grants, as it is still early in the City and State fiscal year.

Committee action not required.

By unanimous consent, the meeting adjourned at 5:54 p.m.

Respectfully submitted,

David L. Bonar
Chairman

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Attachment

Attachment #1 - Recycling Services Reimbursement Agreement (Contract #11-URG025) between the Delaware Department of Natural Resources and Environmental Control (DNREC) and the City of Dover

RECYCLING SERVICES REIMBURSEMENT AGREEMENT
Contract# 11-URG025

This Agreement ("Agreement") is entered into as of January 24, 2011 ("Effective Date") and will end on March 15, 2013, by and between the State of Delaware, Department of Natural Resources and Environmental Control, Division of Waste and Hazardous Substances, ("DELAWARE"), and CITY OF DOVER, a Delaware corporation, with offices at **15 East Loockerman, Street Dover, DE 19903**("CITY OF DOVER").

WHEREAS, DELAWARE desires to obtain certain services to aid in the implementation of Universal Recycling; and

WHEREAS, CITY OF DOVER desires to provide such services to DELAWARE on the terms set forth below;

WHEREAS, DELAWARE and CITY OF DOVER represent and warrant that each party has full right, power and authority to enter into and perform under this Agreement;

FOR AND IN CONSIDERATION OF the premises and mutual agreements herein, DELAWARE and CITY OF DOVER agree as follows:

1. Services.

1.1 CITY OF DOVER shall perform for DELAWARE the services specified in the Appendices to this Agreement, attached hereto and made a part hereof as Appendix A.

1.2 Any conflict or inconsistency between the provisions of the following documents shall be resolved by giving precedence to such documents in the following order: (a) this Agreement (including any amendments or modifications thereto); (b) DELAWARE's request for grant applications, attached hereto as Appendix B; and (c) CITY OF DOVER's response to the request for grant applications, attached hereto as Exhibit A. The aforementioned documents are specifically incorporated into this Agreement and made a part hereof.

1.3 DELAWARE may, at any time, by written order, make changes in the scope of this Agreement and in the services or work to be performed. No services for which additional compensation may be charged by CITY OF DOVER shall be furnished without the written authorization of DELAWARE. When DELAWARE desires any addition or deletion to the deliverables or a change in the Services to be provided under this Agreement, it shall notify CITY OF DOVER, who shall then submit to DELAWARE a "Change Order" for approval authorizing said change. The Change

Order shall state whether the change shall cause an alteration in the price or the time required by CITY OF DOVER for any aspect of its performance under this Agreement. Pricing of changes shall be consistent with those established within this Agreement.

1.4 CITY OF DOVER will not be required to make changes to its scope of work that result in CITY OF DOVER's costs exceeding the current unencumbered budgeted appropriations for the services. Any claim of either party for an adjustment under Section 1 of this Agreement shall be asserted in the manner specified in the writing that authorizes the adjustment.

2. Payment for Services and Expenses.

2.1 The term of the initial contract shall be from January 24, 2011 through March 15, 2013.

2.2 DELAWARE will pay CITY OF DOVER for the performance of services described in Appendix A, Scope of Work. The reimbursement will be paid in accordance with the payment schedule attached hereto as part of Appendix A.

2.3 DELAWARE's obligation to pay CITY OF DOVER for the performance of services described in Appendix A, Scope of Work will not exceed the fixed reimbursement amount of **$101,151.00**. It is expressly understood that the work defined in the appendices to this Agreement must be completed by CITY OF DOVER and it shall be CITY OF DOVER's responsibility to ensure that hours and tasks are properly budgeted so that all services are completed for the agreed upon fixed reimbursement amount. DELAWARE's total liability for all charges for services that may become due under this Agreement is limited to the total maximum expenditure(s) authorized in DELAWARE's purchase order(s) to CITY OF DOVER.

2.4 CITY OF DOVER shall submit invoices to DELAWARE in sufficient detail to support the services provided during the reimbursement period which is from the start of this contract until September 15, 2011. DELAWARE agrees to pay those invoices within thirty (30) days of receipt. In the event DELAWARE disputes a portion of an invoice, DELAWARE agrees to pay the undisputed portion of the invoice within thirty (30) days of receipt and to provide CITY OF DOVER a detailed statement of DELAWARE's position on the disputed portion of the invoice within thirty (30) days of receipt. DELAWARE's failure to pay any amount of an invoice that is not the subject of a good-faith dispute within thirty (30) days of receipt shall entitle CITY OF DOVER to charge interest on the overdue portion at no more than 1.0% per month or 12% per annum. All payments should be sent to CITY OF DOVER, **15 East Loockerman Street, Dover, DE 19903.**

2.5 Unless provided otherwise in an Appendix, all expenses incurred in the performance of the services are to be paid by CITY OF DOVER. If an Appendix specifically provides for expense reimbursement, CITY OF DOVER shall be reimbursed only for the defined reimbursements included in Appendix A incurred by CITY OF DOVER in the performance of the services.

2.6 DELAWARE is a sovereign entity, and shall not be liable for the payment of federal, state and local sales, use and excise taxes, including any interest and penalties from any related deficiency, which may become due and payable as a consequence of this Agreement.

2.7 DELAWARE shall subtract from any payment made to CITY OF DOVER all damages, costs and expenses caused by CITY OF DOVER's negligence, resulting from or arising out of errors or omissions in CITY OF DOVER's services, which have not been previously paid to CITY OF DOVER.

2.8 Invoices shall be submitted to:
Delaware Department of Natural Resources
And Environmental Control
Division of Waste and Hazardous Substances
89 Kings Highway
Dover, DE 19901
Attn: Heather Pellrin

3. Responsibilities of CITY OF DOVER.

3.1 CITY OF DOVER shall be responsible for the quality, timely completion, and coordination of all services furnished by CITY OF DOVER, its subcontractors and their principals, officers, employees and agents under this Agreement. In performing the specified services, CITY OF DOVER shall follow practices consistent with generally accepted standards in the recycling industry and those specified herein. If any service, product or deliverable furnished pursuant to this Agreement does not conform to those standards, CITY OF DOVER shall, at its expense and option either (1) replace it with a conforming equivalent or (2) modify it to conform to such standards. CITY OF DOVER shall be and remain liable in accordance with the terms of this Agreement and applicable law for all damages to DELAWARE caused by CITY OF DOVER's failure to ensure compliance with the foregoing standards.

3.2 It shall be the duty of CITY OF DOVER to assure that all services are properly rendered and in conformance with all pertinent Federal, State and Local statutes,

codes, ordinances, resolutions and other regulations.

3.3 Permitted or required approval by DELAWARE of any products or services furnished by CITY OF DOVER shall not in any way relieve CITY OF DOVER of responsibility for the adequacy of its work. DELAWARE's review, approval, acceptance, or payment for any of CITY OF DOVER's services herein shall not be construed to operate as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement, and CITY OF DOVER shall be and remain liable in accordance with the terms of this Agreement and applicable law for all damages to DELAWARE caused by CITY OF DOVER's performance or failure to perform under this Agreement.

3.4 CITY OF DOVER shall furnish to DELAWARE's designated representative copies of all correspondence to regulatory agencies for review prior to mailing such correspondence.

3.5 CITY OF DOVER agrees that its officers and employees will cooperate with DELAWARE in the performance of services under this Agreement and will be available for consultation with DELAWARE at such reasonable times with advance notice as to not conflict with their other responsibilities.

3.6 CITY OF DOVER has or will retain such employees as it may need to perform the services required by this Agreement. Such employees shall not be employed by DELAWARE or any other political subdivision of DELAWARE.

3.7 CITY OF DOVER will not use DELAWARE's name, either express or implied, in any of its advertising or sales materials without DELAWARE's express written consent.

3.8 The rights and remedies of DELAWARE provided for in this Agreement are in addition to any other rights and remedies provided by law.

4. Time Schedule.

4.1 A project schedule is included in Appendix A.

4.2 Any delay of services or change in sequence of tasks must be approved in writing by DELAWARE.

4.3 In the event that CITY OF DOVER fails to complete the project or any phase thereof within the time specified in the Contract, or with such additional time as may be granted in writing by DELAWARE, or fails to prosecute the work, or any

separable part thereof, with such diligence as will insure its completion within the time specified in this Agreement or any extensions thereof, DELAWARE shall suspend the payments scheduled as set forth in Appendix A.

5. State Responsibilities.

5.1 In connection with CITY OF DOVER's provision of the Services, DELAWARE shall perform those tasks and fulfill those responsibilities specified in the appropriate Appendices.

5.2 DELAWARE agrees that its officers and employees will cooperate with CITY OF DOVER in the performance of services under this Agreement and will be available for consultation with CITY OF DOVER at such reasonable times with advance notice as to not conflict with their other responsibilities.

5.3 The services performed by CITY OF DOVER under this Agreement shall be subject to review for compliance with the terms of this Agreement by DELAWARE's designated representatives. DELAWARE representatives may delegate any or all responsibilities under the Agreement to appropriate staff members, and shall so inform CITY OF DOVER by written notice before the effective date of each such delegation.

5.4 The review comments of DELAWARE's designated representatives may be reported in writing as needed to CITY OF DOVER. It is understood that DELAWARE's representatives' review comments do not relieve CITY OF DOVER from the responsibility for the adequacy of all services provided under this Agreement.

5.5 DELAWARE shall, without charge, furnish to or make available for examination or use by CITY OF DOVER as it may request, any data which DELAWARE has available, including as examples only and not as a limitation:

a. Copies of reports, surveys, records, and other pertinent documents;
b. Copies of previously prepared reports, job specifications, surveys, records, ordinances, codes, regulations, other document, and information related to the services specified by this Agreement.

CITY OF DOVER shall return any original data provided by DELAWARE.

5.6 DELAWARE shall assist CITY OF DOVER in obtaining data on documents from public officers or agencies and from private citizens and business firms whenever such material is necessary for the completion of the services specified by this Agreement.

5.7 CITY OF DOVER will not be responsible for accuracy of information or data supplied by DELAWARE or other sources to the extent such information or data would be relied upon by a reasonably prudent CITY OF DOVER employee.

5.8 DELAWARE agrees not to use CITY OF DOVER name, either express or implied, in any of its advertising or sales materials. CITY OF DOVER reserves the right to reuse the nonproprietary data and the analysis of industry-related information in its continuing analysis of the industries covered.

6. Confidential Information.

To the extent permissible under 29 *Del. C.* § 10001, et seq., the parties to this Agreement shall preserve in strict confidence any information, reports or documents obtained, assembled or prepared in connection with the performance of this Agreement.

7. Warranty.

CITY OF DOVER warrants that its services will be performed in a good and workmanlike manner. CITY OF DOVER agrees to re-perform any work not in compliance with this warranty brought to its attention within a reasonable time after that work is performed.

8. Indemnification; Limitation of Liability.

CITY OF DOVER shall indemnify and hold harmless the State, its agents and employees, from any and all liability, suits, actions or claims, together with all reasonable costs and expenses (including attorneys' fees) directly arising out of (A) the negligence or other wrongful conduct of CITY OF DOVER, its agents or employees, or (B) CITY OF DOVER breach of any material provision of this Agreement not cured after due notice and opportunity to cure, provided as to (A) or (B) that (i) CITY OF DOVER shall have been notified promptly in writing by DELAWARE of any notice of such claim; and (ii) CITY OF DOVER shall have the sole control of the defense of any action on such claim and all negotiations for its settlement or compromise.

9. Employees.

9.1 CITY OF DOVER has and shall retain the right to exercise full control over the employment, direction, compensation and discharge of all persons employed by CITY OF DOVER in the performance of the services hereunder.

9.2 Except as the other party expressly authorizes in writing in advance, neither party shall solicit, offer work to, employ, or contract with, whether as a partner, employee or independent CITY OF DOVER, directly or indirectly, any of the other party's Personnel during their participation in the services or during the twelve (12) months thereafter. For purposes of this Section 9.2, "Personnel" includes any individual or company a party employs as a partner, employee or independent CITY OF DOVER and with which a party comes into direct contact in the course of the services.

10. Independent Contractor.

10.1 It is understood that in the performance of the services herein provided for, CITY OF DOVER shall be, and is, an independent contractor, and is not an agent or employee of DELAWARE and shall furnish such services in its own manner and method except as required by this Agreement. CITY OF DOVER shall be solely responsible for, and shall indemnify, defend and save DELAWARE harmless from all matters relating to the payment of its employees, including compliance with social security, withholding and all other wages, salaries, benefits, taxes, exactions, and regulations of any nature whatsoever.

10.2 CITY OF DOVER acknowledges that CITY OF DOVER and any subcontractors, agents or employees employed by CITY OF DOVER shall not, under any circumstances, be considered employees of DELAWARE, and that they shall not be entitled to any of the benefits or rights afforded employees of DELAWARE, including, but not limited to, sick leave, vacation leave, holiday pay, Public Employees Retirement System benefits, or health, life, dental, long-term disability or workers' compensation insurance benefits. DELAWARE will not provide or pay for any liability or medical insurance, retirement contributions or any other benefits for or on behalf of DELAWARE or any of its officers, employees or other agents.

10.3 CITY OF DOVER shall be responsible for providing liability insurance for its personnel.

10.4 As an independent contractor, CITY OF DOVER has no authority to bind or commit DELAWARE. Nothing herein shall be deemed or construed to create a joint venture, partnership, and fiduciary or agency relationship between the parties for any purpose.

11. Suspension.

11.1 DELAWARE may suspend performance by CITY OF DOVER under this Agreement for such period of time as DELAWARE, at its sole discretion, may prescribe by providing written notice to CITY OF DOVER at least 30 working days prior to the date on which DELAWARE wishes to suspend. Upon such suspension, DELAWARE shall pay CITY OF DOVER its compensation, based on the percentage of the recycling services provided until the effective date of suspension, less all previous payments. CITY OF DOVER shall not provide further services under this Agreement after the effective date of suspension until receipt of written notice from DELAWARE to resume performance.

11.2 In the event DELAWARE suspends performance by CITY OF DOVER for any cause other than the error or omission of CITY OF DOVER, for an aggregate period in excess of 30 days, CITY OF DOVER shall be entitled to an equitable adjustment of the compensation payable to CITY OF DOVER under this Agreement to reimburse CITY OF DOVER for additional costs occasioned as a result of such suspension of performance by DELAWARE based on appropriated funds and approval by DELAWARE.

12. Termination.

12.1 This Agreement may be terminated in whole or in part by either party in the event of substantial failure of the other party to fulfill its obligations under this Agreement through no fault of the terminating party; but only after the other party is given:

a. Not less than 30 calendar days written notice of intent to terminate; and
b. An opportunity for consultation with the terminating party prior to termination.

12.2 This Agreement may be terminated in whole or in part by DELAWARE for its convenience, but only after CITY OF DOVER is given:

a. Not less than 30 calendar days written notice of intent to terminate; and
b. An opportunity for consultation with DELAWARE prior to termination.

12.3 If termination for default is effected by DELAWARE, DELAWARE will pay CITY

OF DOVER that portion of the compensation which has been earned as of the effective date of termination but:

a. No amount shall be allowed for anticipated profit on performed or unperformed services or other work, and

b. Any payment due to CITY OF DOVER at the time of termination may be adjusted to the extent of any additional costs occasioned to DELAWARE by reason of CITY OF DOVER default.

c. Upon termination for default, DELAWARE may take over the work and prosecute the same to completion by agreement with another party or otherwise.

12.4 If after termination for failure of CITY OF DOVER to fulfill contractual obligations it is determined that CITY OF DOVER has not so failed, the termination shall be deemed to have been effected for the convenience of DELAWARE.

12.5 The rights and remedies of DELAWARE and CITY OF DOVER provided in this section are in addition to any other rights and remedies provided by law or under this Agreement.

12.6 Gratuities.

12.6.1 DELAWARE may, by written notice to CITY OF DOVER, terminate this Agreement if it is found after notice and hearing by DELAWARE that gratuities (in the form of entertainment, gifts, or otherwise) were offered or given by CITY OF DOVER or any agent or representative of CITY OF DOVER to any officer or employee of DELAWARE with a view toward securing a contract or securing favorable treatment with respect to the awarding or amending or making of any determinations with respect to the performance of this Agreement.

12.6.2 In the event this Agreement is terminated as provided in 12.6.1 hereof, DELAWARE shall be entitled to pursue the same remedies against CITY OF DOVER it could pursue in the event of a breach of this Agreement by CITY OF DOVER.

12.6.3 The rights and remedies of DELAWARE provided in Section 12.6 shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Agreement.

13. Severability.

If any term or provision of this Agreement is found by a court of competent jurisdiction to be invalid, illegal or otherwise unenforceable, the same shall not affect the other terms or provisions hereof or the whole of this Agreement, but such term or provision shall be deemed modified to the extent necessary in the court's opinion to render such term or provision enforceable, and the rights and obligations of the parties shall be construed and enforced accordingly, preserving to the fullest permissible extent the intent and agreements of the parties herein set forth.

14. Assignment; Subcontracts.

14.1 CITY OF DOVER acknowledges that certain capital assets to be used pursuant to this agreement were purchased with a grant provided pursuant to 7 *Del. C.* § 6053. CITY OF DOVER shall not sell, assign, or otherwise transfer title or any interest in any equipment including but not limited to recycling trucks; trailers; tippers; or recycling collection containers that were purchased with such grant to any third party that is not subject to the rate cap set forth in 7 *Del. C.* § 6053 or that has not, 30 days prior to completion of any transfer of interest in such equipment, agreed to be subject to that cap.

14.2 Services specified by this Agreement shall not be subcontracted by CITY OF DOVER, without prior written approval of DELAWARE.

14.3 Approval by DELAWARE of CITY OF DOVER request to subcontract or acceptance of or payment for subcontracted work by DELAWARE shall not in any way relieve CITY OF DOVER of responsibility for the adequacy of the work. All subcontractors shall adhere to all applicable provisions of this Agreement.

14.4 CITY OF DOVER shall be and remain liable for all damages to DELAWARE caused by negligent performance or non-performance of work under this Agreement by CITY OF DOVER, its subcontractor or its sub-subcontractor.

14.5 The compensation due shall not be affected by DELAWARE's approval of CITY OF DOVER, request to subcontract.

15. Force Majeure.

Neither party shall be liable for any delays or failures in performance due to circumstances beyond its reasonable control.

16. Non-Appropriation of Funds.

16.1 Validity and enforcement of this Agreement is subject to appropriations by the General Assembly of the specific funds necessary for contract performance. Should such funds not be so appropriated DELAWARE may immediately terminate this Agreement, and absent such action this Agreement shall be terminated as to any obligation of the State requiring the expenditure of money for which no specific appropriation is available, at the end of the last fiscal year for which no appropriation is available or upon the exhaustion of funds.

16.2 Notwithstanding any other provisions of this Agreement, this Agreement shall terminate and DELAWARE's obligations under it shall be extinguished at the end of the fiscal year in which DELAWARE fails to appropriate monies for the ensuing fiscal year sufficient for the payment of all amounts which will then become due.

17. State of Delaware Business License.

CITY OF DOVER and all subcontractors represent that they are properly licensed and authorized to transact business in the State of Delaware as provided in 30 *Del. C.* § 2301.

18. Complete Agreement.

18.1 This agreement and its Appendices shall constitute the entire agreement between DELAWARE and CITY OF DOVER with respect to the subject matter of this Agreement and shall not be modified or changed without the express written consent of the parties. The provisions of this agreement supersede all prior oral and written quotations, communications, agreements and understandings of the parties with respect to the subject matter of this Agreement.

18.2 If the scope of any provision of this Agreement is too broad in any respect whatsoever to permit enforcement to its full extent, then such provision shall be enforced to the maximum extent permitted by law, and the parties hereto consent and agree that such scope may be judicially modified accordingly and that the whole of such provisions of the Agreement shall not thereby fail, but the scope of such provision shall be curtailed only to the extent necessary to conform to the law.

18.3 CITY OF DOVER may not order any product requiring a purchase order prior to DELAWARE's issuance of such order. Each Appendix, except as its terms otherwise expressly provide, shall be a complete statement of its subject matter and shall supplement and modify the terms and conditions of this Agreement for the purposes of that engagement only. No other agreements, representations, warranties or other matters, whether oral or written, shall be deemed to bind the

parties hereto with respect to the subject matter hereof.

19. Miscellaneous Provisions.

19.1 In performance of this Agreement, CITY OF DOVER shall comply with all applicable federal, state and local laws, ordinances, codes and regulations. CITY OF DOVER shall solely bear the costs of permits and other relevant costs required in the performance of this Agreement.

19.2 Neither this Agreement nor any appendix may be modified or amended except by the mutual written agreement of the parties. No waiver of any provision of this Agreement shall be effective unless it is in writing and signed by the party against which it is sought to be enforced.

19.3 The delay or failure by either party to exercise or enforce any of its rights under this Agreement shall not constitute or be deemed a waiver of that party's right thereafter to enforce those rights, nor shall any single or partial exercise of any such right preclude any other or further exercise thereof or the exercise of any other right.

19.4 CITY OF DOVER covenants that it presently has no interest and that it will not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this Agreement. CITY OF DOVER further covenants, to its knowledge and ability, that in the performance of said services no person having any such interest shall be employed.

19.5 CITY OF DOVER acknowledges that DELAWARE has an obligation to ensure that public funds are not used to subsidize private discrimination. CITY OF DOVER recognizes that if they refuse to hire or do business with an individual or company due to reasons of race, color, gender, ethnicity, disability, national origin, age, or any other protected status, DELAWARE may declare CITY OF DOVER in breach of the Agreement, terminate the Agreement, and designate CITY OF DOVER as non-responsible.

19.6 CITY OF DOVER warrants that no person or selling agency has been employed or retained to solicit or secure this Agreement upon an agreement or understanding for a commission, or a percentage, brokerage or contingent fee. For breach or violation of this warranty, DELAWARE shall have the right to annul this contract without liability or at its discretion deduct from the contract price or otherwise recover the full amount of such commission, percentage, brokerage or contingent fee.

19.7 This Agreement was drafted with the joint participation of both parties and shall be construed neither against nor in favor of either, but rather in accordance with the fair meaning thereof.

19.8 CITY OF DOVER shall maintain all public records, as defined by 29 *Del. C.* § 502(7), relating to this Agreement for the time and in the manner specified by the Delaware Division of Archives, pursuant to the Delaware Public Records Law, 29 *Del. C.* Ch. 5. During the term of this Agreement, authorized representatives of DELAWARE may inspect or audit CITY OF DOVER performance and records pertaining to this Agreement at CITY OF DOVER business office during normal business hours.

20. Insurance.

20.1 CITY OF DOVER shall maintain the following insurance during the term of this Agreement:

A. Worker's Compensation as required by law, **and**

B. General liability Insurance: bodily injury $300,000 per occurrence; property damage: $100,000 per occurrence, **and**

C. Automobile liability: $350,000 combined bodily injury and property damage per occurrence.

D. CITY OF DOVER shall provide forty-five (45) days written notice of cancellation or material change of any policies.

20.2 Before any work is done pursuant to this Agreement, the Certificate of Insurance and/or copies of the insurance policies, referencing the contract number stated herein, shall be filed with the State. The certificate holder is as follows: CITY OF DOVER.

20.3 In no event shall the State of Delaware be named as an additional insured on any policy required under this agreement.

21. Governing Law.

This Agreement shall be governed by and construed in accordance with the laws of the State of Delaware, except where Federal Law has precedence. CITY OF DOVER consents to jurisdiction venue in the State of Delaware.

22. Notices.

Any and all notices required by the provisions of this Agreement shall be in writing and shall be mailed, certified or registered mail, return receipt requested. All notices shall be sent to the following addresses:

TO DELAWARE:
Department of Natural Resources and Environmental Control
Division of Waste and Hazardous Substances
89 Kings Highway
Dover, DE 19901
Attn: Heather Pellrin

TO CITY OF DOVER:
15 East Loockerman Street
Dover, DE 19903
Attn: Scott Koenig

SIGNATURE PAGE TO FOLLOW

STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL

_____
Collin P. O'Mara, Secretary

STATE OF _____

COUNTY OF _____, to wit:

I, _____, a Notary Public in and for said County and State, do certify that _____ in his/her official capacity as _____ has this day acknowledged the same before me in said County.

Given under my hand and seal of office seal this _____ day of_____, _____ .

_____
Notary Public

CITY OF DOVER

_____
Scott Koenig, Public Services Manager

STATE OF _____

COUNTY OF _____, to wit:

I, _____, a Notary Public in and for said County and State, do certify that _____ in his/her official capacity as _____ has this day acknowledged the same before me in said County.

Given under my hand and seal of office seal this _____ day of_____, _____.

_____
Notary Public

Appendix A

Scope of Work

CITY OF DOVER shall comply with all items outlined below and submit to DELAWARE sufficient supporting documents, in DELAWARE'S sole discretion, for reimbursement of funds as listed below prior to September 15, 2011 for implementation of Universal Recycling. Total reimbursement is not to exceed **$101,151.00**.

1. Grant Activities

CITY OF DOVER shall:

A) In accordance with 7 *Del. C.* § 6053 ("Universal Recycling"), implement a curbside recycling collection program for all their single-family residential waste customers and all their waste customers that are dealers with on-premise sales by no later than September 15, 2011. Such a program shall include, but not be limited to:
   a. Delivery of a container to each customer for the purpose of storage and collection of recyclables. Said container shall be adequately sized for the customer's use such that recycling is encouraged and disposal of recyclables is discouraged; and
   b. Recyclables collection service to each single-family residential customer at a frequency of not less than once every other week and to dealers with on-premise sales at a frequency that prevents containers overflowing or creating a nuisance; and
   c. A single charge on the waste services bill that includes the combined waste and recycling collection service costs; and
   d. Notification to each customer including instructions on participation.

B) Not increase rates charged for solid waste collections, which were in effect as of January 24, 2011 until March 15, 2013 as a result of implementation of Universal Recycling.

C) Provide the following statement in each customer's bill for every billing cycle until March 15, 2013: *"We, CITY OF DOVER, are a recipient of funding from the Universal Recycling Grant and Low-Interest Loan Program and pursuant to 7 Del. C. §6055 (d), shall not increase our rates charged for waste services collection from January 24, 2011 to March 15, 2013 as a result of implementing Universal Recycling"*.

D) Provide printed materials to each of the CITY OF DOVER's waste service customers and DELAWARE will reimburse CITY OF DOVER for this expense in an amount not to exceed $**15,000**. The flyers shall educate all of CITY OF DOVER's waste service customers and staff as well as the CITY OF DOVER's local school district on the benefits of recycling and instructions on participation.

E) Provide printed *"Schedule Change"* flyers to all CITY OF DOVER residents whom will be facing a change in their pre-existing recycling schedule. DELAWARE will reimburse CITY OF DOVER for this expense in an amount not to exceed $**3,115.00.**

F) Purchase **15,250** and affix Curbside Recycling labels to all new and pre-existing recycling containers provided by the CITY OF DOVER to its residents. DELAWARE shall reimburse for this expense in an amount not to exceed $**2,798.00.** All labels must

contain information pertaining to Universal Recycling and the CITY OF DOVER's contact information.

G) Provide DELAWARE the opportunity to review and edit any informational materials, which are intended to be funded in whole or in part by this grant, at least thirty (30) days before distribution or publication. The review will consider the accuracy of the information proposed. DELAWARE will not unreasonably withhold approval to distribute or publish.

H) Purchase and deliver a minimum of **1,782** wheeled recycling carts, in sizes ranging from 35 to 95 gallons, to CITY OF DOVER's waste services customers. These recycling carts shall be distinguishable from other waste or "trash" containers and shall be used expressly for the storage and collection of recyclables from CITY OF DOVER's customers in accordance with 1.A) above. DELAWARE shall not reimburse CITY OF DOVER in excess of **$80,238.00** for all costs related to this item.

2. Reimbursement

A) CITY OF DOVER shall request reimbursement for allowable expenditures incurred in implementing grant activities. This shall be done by submitting a Progress Report and Reimbursement Request Form (provided by DELAWARE) itemizing expenditures for payment by DELAWARE out of the grant monies awarded. Copies of receipts shall accompany the reimbursement request. The matching funds portion of the grant reimbursement form shall also be completed in order for the reimbursement request to be considered complete. Reimbursement requests may be withheld if the request is considered incomplete.

B) It is the intent of DELAWARE to issue a one-time reimbursement for all of the funds awarded under this grant following the completion of the activities listed in this Appendix. Approval for a split payment shall be received prior to request for reimbursement and will be considered on a case by case basis in the DEPARTMENT's sole discretion. CITY OF DOVER shall prove to the DEPARTMENT's satisfaction that without a split payment, an extraordinary financial hardship will result due to waiting for reimbursement in one lump sum payment after the completion of grant activities.

C) Note: All reimbursement requests shall be received by DELAWARE no later than September 15, 2011. DELAWARE is not responsible for reimbursement of funds in excess of the grant amount or for expenditures incurred after September 15, 2011.

D) If CITY OF DOVER does not demonstrate progress towards the grant activities and requirements by **September 15, 2011**, it is in DELAWARE's discretion to return unused funds to the Delaware Recycling Fund.

3. Mailings

All notices, requests, or demands to be given by DELAWARE to CITY OF DOVER or by CITY OF DOVER to DELAWARE under the provisions of this agreement will be forwarded, by mail, properly addressed to the following respective addresses:

DELAWARE:
Delaware Department of Natural Resources and Environmental Control
Division of Waste and Hazardous Substances
89 Kings Highway
Dover, DE 19901
Attention: Heather Pellrin

CITY OF DOVER:
15 East Loockerman Street
Dover, DE 19903
Attention: Scott Koenig

4. Geographical Applicability

The Universal Recycling Grant and Low-Interest Loan Program was created to provide comprehensive recycling programs in Delaware and as such, CITY OF DOVER, shall use all funds awarded under this Program to provide recycling services only within geographic boundaries of the State of Delaware. CITY OF DOVER has reported that, at the time application was made for the Universal Recycling Grant and Low-Interest Loan Program, they had **10,000** recycling customers within the geographical boundaries of the State of Delaware and DELAWARE has based the funding award on customers reported by CITY OF DOVER as being within State of Delaware boundaries. Pursuant to 7 *Del. C.* § 6059, CITY OF DOVER understands that reporting customers who do not exist or do not receive waste collection within the State of Delaware for the purposes of receiving more funding than they would otherwise be entitled to under the Universal Recycling Grant and Low-Interest Loan Program may cause this contract to become null and void and may lead to enforcement action by DELAWARE.

5. Reporting

A) CITY OF DOVER shall submit progress reports to DELAWARE on the status of the activities listed in this Appendix no later than June 15, 2011, September 15, 2011, and December 15, 2011.

B) CITY OF DOVER shall submit a final report to DELAWARE no later than March 15, 2012 including an explanation of how the activities listed above were accomplished, or a discussion of the progress made toward accomplishment of the activity. Also, a discussion of any unexpected problems encountered, and how they were overcome; and a discussion of any unexpected expenses incurred in implementing the activities/objectives shall be included. Describe how the impact of the activities resulted in any reduction in waste disposal or increasing recycling among the target population, including the quantities of material diverted from disposal.

6. Records

CITY OF DOVER shall maintain all receipts and records related to the grant project for a minimum of three years from the expiration of this contract on March 15, 2013 or the expiration of any amendments to this contract, whichever is later, and shall make this information available to DELAWARE upon request.

7. Publication

If CITY OF DOVER chooses to pursue publication of the results of this grant, CITY OF DOVER shall provide DELAWARE the opportunity to review and edit the proposed publication at least thirty (30) days before submission for publication. The review

will consider the accuracy of the information proposed for publication and the possible disclosure of information considered by DELAWARE to be proprietary or confidential. DELAWARE will not unreasonably withhold approval to publish.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held on June 13, 2011 at 6:00 p.m. with Chairman McGlumphy presiding. Members present were Mr. Anderson (6:02 p.m.), Mr. Hare, Mr. Lynn (6:58 p.m.), Dr. Jones, and Mr. Shevock. Members of Council present were Mr. Leary, Mr. Hutchison, and Mr. Bonar. Mayor Carey was also present.

AGENDA ADDITIONS/DELETIONS

Dr. Jones moved for approval of the agenda, seconded by Mr. Shevock and unanimously carried.

Discussion - Soliciting Health Insurance Proposals

Mr. Hare explained that City Council has not reviewed alternative health care proposals since 1999 and suggested that the City solicit health insurance proposals from health care providers. He stated that he had conducted research which indicated that some jurisdictions offer plans similar to the City's current plan at a lesser cost.

In response to Mr. Shevock, Mrs. Kim Hawkins, Human Resources Director, explained that the City "piggybacks" on the State of Delaware's health care plan and that there may be a requirement to provide notice to the State (perhaps 30 or 60 days) if the City decides to pursue a different option. In addition, she noted that the City's union contracts stipulate participation in the State's health care plan. Mrs. Hawkins indicated that if Council opts to proceed with the study and it is determined that the best choice is to depart from the State plan, the City would be required to go through the union negotiation process.

Mrs. Williams advised members that, during their meeting of January 25, 2010, Council approved the establishment of an ad hoc Health Benefits Committee, which was charged with considering alternative health care options to assist the City in reducing its health care liability and annual cost. She stated that, to this point, the Health Benefits Committee has not found any plan that is competitive with the State plan.

Mr. Hare moved to recommend that staff be directed to solicit requests for proposals for alternative health insurance plans for City employees, seconded by Mr. Anderson and unanimously carried.

Discussion - Elimination of Medicare Part B Reimbursements for Current Non-Bargaining Employees

Mr. Hare requested that consideration be given to the elimination of Medicare Part B reimbursements for current non-bargaining employees as a cost-saving measure.

Dr. McGlumphy stated that an opportunity would be provided for employees to comment regarding this agenda item.

Mr. James Hosfelt, Chief of Police, read a prepared statement urging members to vote against any changes in the City's Medicare Part B reimbursement policy ***(Attachment #1)***.

Ms. Donna Mills, Police Department Administrative Assistant, advised members that she is planning to retire at the end of 2011. She stated that she appeared before the Committee in December 2009 to request that Medicare Part B reimbursement be maintained, and she reiterated that request. Mrs. Mills stated that she felt that Council was misinformed by those who indicate that non-bargaining employees should "take a hit like the union people have done." She noted that, even though she does an excellent job, she has received minimal pay raises because she is a non-bargaining employee in a pay grade considered to be above-market under the Pay for Performance Plan. She also noted that she was required to take furlough days during FY 2010 due to budget constraints. Ms. Mills stated that she wrote a memorandum to City Council to explain her concerns ***(Attachment #2)*** and requested members to consider this information.

Ms. Christina Kober, 911 Manager, Police Department, read a prepared statement asking that members retain the Medicare Part B reimbursement benefit ***(Attachment #3).***

Mr. Stephen Enss, Engineering Services and System Operations Superintendent, Public Utilities Department, spoke in favor of retaining Medicare Part B reimbursement, stating that he joined the City's workforce 22 years ago. He noted that, at that time, he promised to serve the City for a minimum of 25 years and, in return, the City committed to provide him benefits. Mr. Enss stated that he has planned his future based on the assumption that he would receive the benefits promised.

Mr. Chappy Lucas stated that he is a retired City of Dover employee currently receiving Medicare Part B reimbursement. He noted that when he began working for the City in 1972, the City offered a benefit package which included health care. When he retired 28 years later, this package was in effect. Mr. Lucas explained that when he turned 65, he was contacted by the City and told that he must enroll in Medicare Part B, and at that point Medicare became his primary insurance and the City's plan became his secondary insurance. Mr. Lucas stated that he felt the City has fulfilled its obligation to provide medical insurance to him; however, reducing this benefit would amount to reducing his pension. He indicated that retired individuals would have no way to recover these funds, since they are unable to increase earnings and have not been receiving cost of living increases. He requested that members not take any action that would affect those who are currently receiving this benefit.

Mr. Ronald Lunt, Public Utilities Director, stated he understands the concerns of the Committee and Council regarding the cost of employee benefit packages which must be borne by taxpayers and ratepayers. He explained, however, that the Utilities Department has a number of key positions that require highly skilled, technical professionals, such as engineers and relay engineers, and noted that if the City continues to degrade the employee benefit package, it will be difficult to attract and retain these employees. Mr. Lunt stated he feared for future City operations if benefits are reduced.

Mr. Hare stated his opinion that employee benefits have not been degraded and that the City currently pays 100% of employee health care and 75% of family health care costs. He noted that retaining the Medicare Part B reimbursement benefit would obligate future Councils to an expense

that has increased 8% per year. Mr. Hare indicated that one (1) option would be to inform employees that they are not required to enroll in Medicare Part B but can remain on their current health plan. He proposed that, rather than eliminating this benefit, reimbursement be reduced as follows:

1) Employees who are eligible to retire as of September 15, 2011 would have no change to this benefit.

2) Employees who have more than 15 years of service and retire after September 15, 2011 would receive Medicare Part B reimbursement capped at $140.

3) Employees with more than ten (10) years of service would receive reimbursement capped at $110.

4) Employees with less than ten (10) years of service are not vested and would not receive this benefit.

Mr. Hare noted that under this proposal, retired employees would not be affected.

Mr. Anderson felt that Medicare Part B reimbursement is unsustainable and stated he did not support continuing it to those who are retiring. He indicated that he was unable to find any other organization in the State, including counties or other municipalities, that provide this benefit. Mr. Anderson noted that the cost of the benefit in 2002 was $50 per month, currently it is $100 per month, and that cost projections are "astounding." He indicated he planned to vote against retaining this benefit.

Mr. Shevock explained that Medicare Part B reimbursement was considered by members in 2009 with much discussion involving many of the points currently being brought forth. During the City Council meeting of July 27, 2009, Council eliminated this benefit for employees hired after that date. Mr. Shevock noted that prior to July 27, 2009, the City Employee Handbook stated that the City would provide reimbursement. He suggested that the City Solicitor be consulted to determine if the City could be subject to legal ramifications, should members opt to eliminate this benefit for current employees. Mr. Shevock noted that the number of plan participants will reduce by attrition and at some point there will be no remaining participants.

Mr. Hutchison stated he was aware of the serious financial concerns faced by the City but felt that employees should be treated fairly. He noted that the three (3) union groups who gave up Medicare Part B did so because they received something in return and that employees who participate in the general pension plan have no ability to bargain regarding this benefit. Mr. Hutchison felt that all employees who are vested by July 1, 2011 should be protected. He stated he would be open to considering an alternative for those employees who are not vested.

Dr. Jones stated that she was not in favor of removing benefits from employees who are vested and felt that the City has an obligation toward these individuals. She suggested considering an alternative program that might involve shared financial responsibility between the City and employees.

Mrs. Williams indicated that she felt the City had an obligation to honor the promise made to employees who have served ten (10) years. She stated this would involve 42 employees at a cost of $62,000 per year and that this was a price that the City could afford.

Concurring with Mrs. Williams, Mr. Bonar stated he would not vote in favor of eliminating this benefit to vested employees. He suggested pursuing Dr. Jones' suggestion to develop a sliding scale for payment, with the City's contribution based on the employee's years of service, perhaps including employees with five (5) years of service.

Mr. Hare moved to maintain Medicare Part B reimbursement for all employees who are vested as of June 27, 2011, seconded by Dr. McGlumphy.

Responding to Mr. Bonar, Councilman Hare declined to amend the motion by adopting Dr. Jones' suggestion to implement a sliding payment scale.

Dr. McGlumphy requested the City Clerk to obtain a legal opinion from the City Solicitor to ensure the legality of the motion.

Mr. Hare withdrew the motion.

Mr. Shevock moved to table the matter and that a legal opinion be sought from the City Solicitor to determine the legality of eliminating Medicare Part B reimbursement for non-vested, non-bargaining employees in light of Council's action related to this matter on July 27, 2009 and that the matter be scheduled for reconsideration at a subsequent meeting. The motion was seconded by Dr. Jones and carried by a vote of four (4) yes, one (1) no (Mr. Anderson).

Proposed Ordinances - #2011-11 - Chapter 102 - Taxation, Article IV - Abatement of Real Estate Taxes, Section 102-113 - Qualifications

Mr. William Neaton, Economic Development Manager, advised members that, over the past several years, a number of large, commercial buildings in the City have become vacant and remained unoccupied. These buildings include a variety of prior uses, such as retail stores, warehouse space, manufacturing, and office buildings. Mr. Neaton noted that bringing these buildings back into the active economy would help increase jobs and boost the local economy. He indicated that Mayor Carey requested staff to research a tax abatement program for large, unoccupied facilities in the City, resulting in the development of Proposed Ordinance #2011-11. This ordinance would act as an incentive for potential buyers and lessees who propose reoccupying or replacing vacant buildings. In order to qualify, the building would have to lease 35,000 S.F. and must have been vacant for 18 months or more. The new occupant would be required to commit to occupying the building for at least ten years and bring at least 15 full-time jobs to the building. Mr. Neaton explained that he discussed this matter with a number of area developers and realtors and that a similar approach was adopted in Frederick, Maryland, with very positive results.

Members were provided an email from Ms. Cheryl Russell, Tax Assessor, dated June 9, 2011, containing information regarding specific properties that would qualify for tax abatement under this proposal ***(Attachment # 4)***.

Mr. Phil McGinnis, McGinnis Real Estate Company, 555 E. Loockerman Street, expressed his appreciation for Council's consideration of the ordinance. He advised members that when developers and realtors met with City staff regarding the matter, discussion was raised about providing this benefit to businesses leasing 25,000 S.F.; however, he noted that the Proposed Ordinance includes a threshold of 35,000 S.F. Mr. McGinnis encouraged members to consider stipulating 20,000 or 25,000 S.F., since most "big box" establishments fall within that range. He explained that a number of the establishments that would qualify for the abatement could be subdivided into smaller units to take advantage of this incentive. He thanked members for their consideration of this "great" ordinance.

In response to Dr. Jones, Mr. Neaton explained that the 35,000 S.F. threshold was modeled after the ordinance adopted by the Town of Frederick, Maryland; however, he stated that staff supported a smaller size.

Mr. Scott Kidner, speaking on behalf of the Central Delaware Chamber of Commerce, stated that the Proposed Ordinance presented an outstanding opportunity to send a positive message to the business community. He advocated a 20,000 or 25,000 S.F. threshold and offered full support for the Proposed Ordinance.

Mr. Bonar urged members to give favorable consideration to amending the size stipulation to 20,000 S.F., which would provide greater incentive to establish businesses in the City.

Staff recommended adoption of the proposed amendments to Chapter 102 - Taxation, Article IV - Abatement of Real Estate Taxes, Section 102-113 - Qualifications.

Mr. Hare moved to amend Proposed Ordinance#2011-11 by reducing the threshold for the amount of space required to be leased in order to qualify for tax abatement to 20,000 S.F., seconded by Mr. Anderson and unanimously carried.

Mr. Hare moved to recommend adoption of the Proposed Ordinance #2011-11, as amended *(Attachment #5)*, seconded by Mr. Anderson, and unanimously carried.

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

Mrs. Ann Marie Townsend, Director of Planning and Community Development, explained that during the previous year, Council assigned the Planning Office the goals of streamlining application processes and expanding public notice requirements. To meet this goal, the Planning Office began a thorough review of Article 10 of the Zoning Ordinance. Mrs. Townshend advised members that Article 10 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. She noted that, in reviewing the Ordinance, staff worked to improve 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.

Mrs. Townshend stated that the Planning Office released a draft ordinance in late April 2011 and held subsequent meetings with the real estate, development, and engineering communities. The draft ordinance was also shared with the Historic District Commission. She indicated that overall feedback has been positive. Many of the questions asked at the outreach meetings related to the increase in public notice distance requirements from 200 feet to 300 feet and the addition of a physical posting requirement.

Mrs. Townshend provided members an Updated Summary Sheet of Comments Received regarding the proposed changes to the Zoning Ordinance ***(Attachment #6)***, as well as related correspondence received from Mr. Gregory Moore, Vice President, Becker Morgan Group, Inc. ***(Attachment #7).*** In addition, she provided members a revised version of Proposed Ordinance #2011-14 ***(Attachment #8)*** which was updated in response to input received during a meeting held with municipal land use attorneys on June 9, 2011. She explained that changes from the draft ordinance previously provided to members were noted on this version in blue ink.

Mrs. Townshend outlined some of the major changes proposed to the Zoning Ordinance as follows:

1) Expiration of Plans - Site plans or conditional use permits are currently approved by the Planning Commission for a one (1) year period. If construction has not begun within that time, a one (1) year extension may be granted. Due to the current economy and increases in the regulatory framework outside the City's jurisdiction, two (2) years does not allow applicants enough time. Under the new Ordinance, the Planning Commission would grant a 24-month approval and the applicant would be eligible for a one (1) year extension.

2) Public Notice - During the meetings held on September 14, 2010, and September 28, 2010, staff received direction from the Committee and Council, respectively, to incorporate an increase in the required mailing distance for public notice from 200 feet to 300 feet. The revised ordinance includes this change and also increases the timeline for public notice from 10 days to 15 days, primarily for consistency with Title 22 of the Delaware Code. A physical posting of the change in land use would also be required by the proposed ordinance, which is included in the codes of many Delaware municipalities.

3) Addition of a Zoning Review Process Within the Site Plan Development Section - Currently in nearly all cases a change from one use to another (e.g., retail to restaurant or store to insurance office) requires an administrative

site plan which involves a $125 fee, drawing and submission of a plan, distribution to various agencies, and collection of comments. This process may be unnecessary if site modifications are not being proposed and zoning requirements are met. In addition, staff recommended requiring Planning Commission review of non-residential site plans with more than 1,500 S.F. of disturbance, rather than in excess of 500 S.F. as stated in the current Zoning Ordinance.

4) Conditional Use Permits - The current Zoning Ordinance does not afford due process for revocation of conditional use. The Proposed Ordinance includes a process that ensures that conditional use cannot be revoked without an advertised public hearing through the Planning Commission.

In response to Dr. McGlumphy, Mrs. Townshend stated that the Proposed Ordinance has been in progress since August 2010. Meetings have been held with developers, realtors, the civil engineering community, and municipal and land use lawyers. She advised members that staff has does their best to make sure that the community is aware of the proposal.

In response to Mr. Hare, Mrs. Townshend indicated that Planning Staff recommendations listed on the Updated Summary of Comments have not been incorporated in the revised Ordinance provided to members, but would be included when the Ordinance is presented to Council for a First Reading.

Mr. Anderson stated he supported extending the required mailing distance for public notification to 300 feet, noting he felt it was not unreasonable to inform residents in this range regarding activity near their properties.

Mr. Lynn stated that this matter was discussed at a meeting he hosted on June 9, 2011 which was attended by Mrs. Townshend and several land use and municipal law attorneys, and the consensus was that a 300-foot notification requirement would be expensive, onerous, and cumbersome. Mr. Lynn noted that the overall feeling of the group was that Mrs. Townshend did an excellent job with the Ordinance and that few other concerns were raised.

Mr. Hare moved to amend Proposed Ordinance #2011-14, by incorporating the Planning Staff recommendations reviewed by the Committee, seconded by Mr. Shevock, and carried by a vote of four (4) yes, one (1) no (Mr. Anderson).

Mr. Anderson moved to recommend approval of Proposed Ordinance #2011-14, as amended *(Attachment #9)*, seconded by Mr. Shevock, and unanimously carried.

Proposed Ordinance #2011-15 - Appendix A - Subdivisions - Regarding Homeowoners' Association Responsibilities

Due to time constraints, Dr. McGlumphy requested that this item be deferred until the next meeting.

Public Comment Period
There was no one wishing to speak during the public comment period

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

Meeting adjourned at 7:04 P.M.

Respectfully submitted,

William P. McGlumphy
Chairman

WPM/JS/dd/tm
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Attachments
Attachment #1 - Statement from Police Chief James Hosfelt dated June 13, 2011
Attachment #2 - Statement from Ms. Donna Mills, Administrative Assistant, dated June 9, 2011
Attachment #3 - Statement from Ms. Christina Kober, 911 Manager, dated June 13, 2011
Attachment #9 - Proposed Ordinance #2011-14 (As Amended by Committee)

Attachments to Original Minutes and File Copy
Attachment #4 - Email from Ms. Cheryl Russell dated June 9, 2011 - Qualifying Big Box Stores
Attachment #5 - Proposed Ordinance #2011-11 - Chapter 102 - Taxation, Article IV - Abatement of Real Estate Taxes, Section 102-113 - Qualifications
Attachment #6 - Updated Summary Sheet of Comments Received Regarding Proposed Changes to the Zoning Ordinance
Attachment #7 - Letter from Mr. Gregory Moore, Becker Morgan Group, Inc. dated May 24, 2011
Attachment #8 - Proposed Ordinance #2011-14 (As Revised by Staff)

Legislative & Finance Committee

June 13, 2011

Good evening Committee members my name is James Hosfelt. I am a city resident, my address is 303 Pebble Valley Place, Dover, Delaware. I am the Chief of Police and in this position I oversee the employment of 124 employees. The large percentage of my workforce is represented by two unions, but there are eight members who are considered "non-bargaining" status, six civilians and two officers.

After reviewing the paperless packets last week I was surprised to see "Medi-Care B" on this committee's agenda. As you well know, non-bargaining employees do not work under the protection of a union and its contract. We do not have the ability to negotiate the loss of a benefit such as Medi-Care B for a change in rank structure and pay increase, such as the case a few years ago with the Fraternal Order of Police. The eight non-bargaining employees of the Dover Police Department have a combined 159 years of service with the City of Dover. My junior employee, for lack of a better term, has 12 years of service and my most senior employee is set to retire as early as September of this year. When they began it was known to them that Medi-Care B was a

benefit they would be able to retire with, but now it appears this may be in question. On behalf of my employees and the others classified as non-bargaining throughout the city, I urge you to vote against any change in benefits regarding Medi-Care B. If for no other reason, simply put, it is not the right thing to do.

If this is a benefit you wish to take away from those you hire in the future I can't argue with that and it is a cost saving measure I can support. I am sure there are other options on the table such only taking it from those who are not vested, but to take this away from those employees who have already invested so much time with the city is something I cannot support as a department head, city resident and property owner.

Thank you for your time and attention to these comments.

Personal Memorandum

To: The Members of Dover City Council

From: Donna M. Mills

Date: June 9, 2011

Re: Medicare Part B

Members of the Dover City Council, I am writing to you today in reference to the proposal that has been placed before you about Medicare Part B. Please humor me while I give you some personal background. My name is Donna M. Mills and I have been an employee of the City of Dover for over 24 years. All of them have been served at the Dover Police Department. I was hired as a Clerk Typist I and have worked my way up to the position of Secretary to the Chief of Police (Administrative Assistant). I am a dedicated employee and I have always strived to give 110% while doing my job. I have been offered many other jobs over the 24 years, at times for more pay, but I have always turned them down, noting more than once that I wanted to stay in a job that would have benefits for when I retire.

Now I would like to address the Medicare Part B options that are before you. First let me say that I understand about hard times and having to tighten belts. I understand that as a member of Council you are charged with making the best decisions for the City. I also understand that by cutting Medicare Part B to the non-bargaining employees that money would be saved. But I would like first like to remind you that the unions bargained this benefit away, if you chose to discontinue it to the non-bargaining employees, you would be taking a benefit away without giving anything in return. I would also like to address the comment made in the Delaware State News by Councilman McGlumphy "we are talking about employee fairness and the non-bargaining employees need to share the pain", "this has turned into a one big "me too" for everybody" I believe that Councilman McGlumphy is ill informed. What fairness? What me too? I believe that the non-bargaining employees should be asking those questions. I did my part when it came to taking the furlough dates during the last fiscal year. I also understand not getting a pay raise (though I am not happy about it, as the cost of living has gone up), once again there is a question of being fair, the unions are getting a pay raise and you are choosing to take away a benefit from me. Seems to me you are going to punish the non-bargaining employees for not being part of a union.

As someone who is very close to retirement, there isn't any way that I could save enough funds to cover these new fees. How can the City state that they have an excellent benefit package if they can take away benefits whenever the economy gets tough? Shouldn't it be the responsibility of the City Manager & Finance Director to make sure that there are funds to pay into these accounts? Why should I suffer for something that I have had no control over? I am at your mercy in regards to whatever you decide. Please take a minute and put yourself in my shoes. I thank you in advance for your attention to this matter and I hope that you will decide not to take this important benefit away from the non-bargaining employees.

Sincerely,

Donna M. Mills

Cc: Mayor Carey
City Clerks Office

Christina Kober
June 13, 2011
Legislative, Finance and Administration Committee

Good evening. Thank you for allowing me to speak regarding Medicare Part B for non-bargaining employees. My name is Christina Kober. I have been with the City of Dover for 22 years. My first 10 years was served as an unioned police dispatcher and the remaining 12 years I have served as the 911 Manager. I am a part of a group of the non-bargaining employees.

I accepted employment with the City of Dover due to the health benefits. I have been dedicated and loyal to my responsibilities as a City of Dover employee but I do not feel that my voice has been heard or that my opinion matters to Council.

The city budget for 2012 has already been passed and all non bargaining employees will receive no pay increase. I also became aware last week that City Council is seeking to eliminate Medicare Part B from all non bargaining employees. Although I understand that financial times may be difficult, I believe that looking for a way to balance the city budget on the backs of employees shouldn't rest solely with non bargaining employees. I would like to remind you that, as part of non-bargaining management, I as well as other non-bargaining employees did our part and took furloughs days in 2009/2010 in order to assist the city in its financial hardship. Again, the furlough days were taken by all city employees – bargaining and non-bargaining.

Every union group had the right to negotiate Medicare Part B and subsequently received compensation for it. As a non-bargaining employee, the same respect has not been afforded to non-bargaining employees.

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

The compensation that these union members received far exceeds the monthly cost for Medicare Part B. Yet this council wants to take Medicare Part B away from non-bargaining employees and offer no compensation what so ever. This is a reason why unions form. I feel this is unfair and appreciate your attention to this matter. Thank you.

FIRST 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

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

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

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.

(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 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 ordinance (appendix B) .....~~	~~$250.00~~

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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.

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ACTION FORM

PROCEEDING: City Council	**AGENDA ITEM NO.: #8**
DEPARTMENT OF ORIGIN: Finance	**DATE SUBMITTED: 6/27/11**
PREPARED BY: Donna Mitchell, Controller/Treasurer	
SUBJECT: City of Dover Financial Policy – Revenue Policy	
APPROVALS: City Council	
EXPENDITURE REQUIRED: 8.0% of operating revenues **FUNDING SOURCE**: Electric Fund Budget	**Total:** N/A
TIMETABLE: Effective July 1, 2011	
RECOMMENDED ACTION: Staff recommends increasing the percentage for the Electric Fund transfer to the General Fund from 6.5% to 8.0%.	

- Revenue Policy – Section 11

  Upon satisfying all rate covenants the City will provide operating transfers to the General Fund. From the Water/Wastewater Utility no greater than 4.5% of operating revenues ~~or $750,000~~ and from the Electric Utility no greater than ~~6.5%~~ 8.0% of operating revenues. ~~or $7,250,000 of the utility operating revenues~~. Both transfer calculations will exclude the carry forward budget balance, County Sewer Fees, and State Utility Tax. The Utility transfers will not exceed 25% of the General Fund Revenues.

Request for Extension of Rezoning
Review by Dover City Council
June, 27, 2011

Applicant/Owner:	TLFD Management LLC
Location:	South Side of White Oak Road, south of Mourning Dove Lane
Current Zoning:	R-8 (One Family Residence Zone)/SWPOZ (Source Water Protection Overlay Zone
Zoning if Reverted:	R-20 (One Family Residence Zone)/SWPOZ (Source Water Protection Overlay Zone)
File Number:	Z-10-01
Ordinance Number:	2010-04

On Monday, May 24, 2010 the Dover City Council voted to rezone property located at White Oak Road from R-20 (One Family Residence Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone) to R-8 (One Family Residence Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone). According to the Zoning Ordinance, Article 10, Section 5, of the Dover Code:

> 5.183 Rezoning to prior classification. In all cases where the city council shall approve 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.

The applicant has submitted a request for extension of the current zoning classification, stating that the proposed construction is under review by the appropriate regulatory agencies. The applicant submitted a Conceptual Subdivision Plan (File #SB-10-02C) that was approved by the Planning Commission on September 20, 2010. The next step in the City's process will be to submit the Preliminary Subdivision Plan. The correspondence from the applicant indicates that they are working with the Kent Conservation District on their stormwater design.

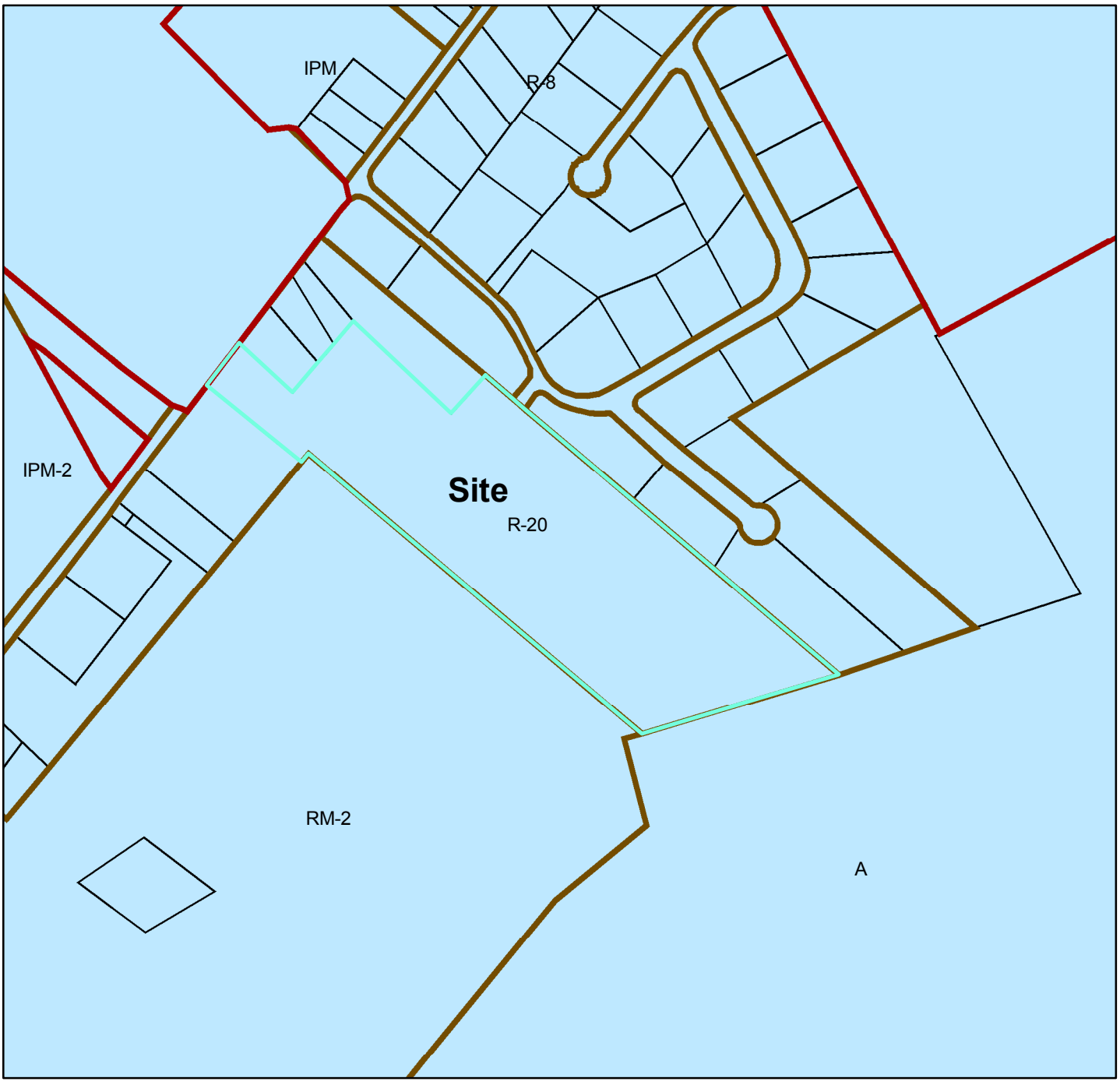
Staff Recommendation:

The Planning Staff confirms that the applicant has submitted a development application, and that the conceptual approval granted by the Planning Commission remains active. As the property is actively in the development process, the Planning Staff recommends that City Council extend the approval of the R-8 (One Family Residence Zone) zoning on this property. The applicant has given a satisfactory explanation for failure to commence construction and has given reasonable assurances that construction will commence in a timely manner.

City of Dover

Department of Planning & Inspections

Application No.: Z-10-01



Plan Title: Lands of JNK, LLC
Location: White Oak Road
Plan Type: Rezoning
Tax Parcel: ED-05-068.00-01-18.00-000
Zoning: R-20 current, R-8 proposed
Owner: TLFD Management, LLC
Date: 2-17-10

Legend

- Dover Boundary
- Dover Parcels
- Zoning
- SWPOZ Tier 2

0 250 500 1,000 Feet

N W E S

Devine, Denise

From: Francis DiMondi <fdimondi@msn.com>
Sent: Monday, June 06, 2011 6:28 PM
To: City Clerks Office
Cc: 'FAD Office'; tedlayton@laytonconstructioninc.com; 'Jeffrey C. Williams. P.E.'
Subject: FW: White Oak Road Subdivision - Preliminary Phase
Attachments: Preliminary Design Status Summary_11-06.06.doc

Traci,

This email is in follow up to our conversation this morning concerning our intention of requesting an official extension for our property located on White Oak Rd that was rezoned from R-20 to R-8 by Dover City Council on May 24th, 2010. Jeff Williams from Kercher Engineering helped present our facts at the rezoning hearing and was immediately hired to engineer the site for formal development approval from the City. As a result on September 20, 2010 the Planning Commission approved our Conceptual Subdivision Plan. The attached statement from Jeff Williams of Kercher Engineering demonstrates the effort and the time that has been put into creating a subdivision plan that is acceptable to The City, KCD and DelDot. The records show that the biggest concern in the area of our proposed development is stormwater management. As a result we have been diligently working with the necessary agencies to not only improve water flow on our site but to also improve the area surrounding our site. In fact we are presently working with KCD to create a easement and conveyance system along our parcel boundary that would drain the flooded area along White Oak Rd to the existing tax ditch thus dramatically improving drainage in the general area. We have also met with DelDot to lessen stormwater discharge from our site to White Oak Rd and promote positive flow along White Oak Rd. Unfortunately, to get a system in place that all agencies along with the City would approve takes time. At this particular time we are waiting on soil tests to be taken to help finalize our design so we can meet again with the Planning Department, Public Works, DelDot and KCD. Our intentions have always been to finalize our design ASAP and move forward with construction. I believe the extra time and effort that is being taken at the early stages of design will benefit not only our project but will help improve the management of stormwater runoff in the surrounding areas that are owned by adjacent property owners. We look forward to presenting our facts and answering any questions that Council may have at the Council meeting scheduled for June 27th 2011. In the meantime if you have any questions please do not hesitate to contact me by email at fdimondi@msn.com or by phone in my office at 302-730-0150.

Thanks,
Frank DiMondi

From: Jeffrey C. Williams. P.E. [mailto:jcw@kercherei.com]
Sent: Monday, June 06, 2011 10:00 AM
To: 'Francis DiMondi'
Cc: tedlayton@laytonconstructioninc.com
Subject: RE: White Oak Road Subdivision - Preliminary Phase

Frank,

I have attached the general overview of our Preliminary Design Status.

Please contact me if you have any questions.

Thank you,

Jeffrey C. Williams, P.E.

Kercher Engineering, Inc.
Civil/Structural/Municipal Engineers, Planners & Surveyors
Offices in Newark & Georgetown, Delaware
& Bel Air, Maryland

254 Chapman Road, Suite 202
Newark, DE 19702
P: 302.894.1098

F: 302.894.1099
E: jcw@KercherEI.com
W: www.KercherEI.com

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From: Francis DiMondi [mailto:fdimondi@msn.com]
Sent: Tuesday, May 31, 2011 5:51 PM
To: 'Jeffrey C. Williams, P.E.'
Cc: tedlayton@laytonconstructioninc.com
Subject: RE: White Oak Road Subdivision - Preliminary Phase

Jeff,

I was in important meetings most of the day. I did just call you back and left a voice mail. At this point I am most concerned with getting your feedback and information you have received from the different agencies concerning our development plan. The letter states that we have till June 10th to submit our extension request. My intention is to get our response in ASAP. If you are back at work on the 6th how long will it take to get a synopsis of what has taken place since the actual rezoning over a year ago. I don't think we need to recall every detail but a general overview should be sufficient.

Thanks,

Frank

Preliminary Design Status Summary

We received Planning Commission's approval of our Conceptual Subdivision Plan on Sept. 20, 2010 and have been working on our Preliminary Design per the comments we received from Planning Commission and DAC review. We have been working diligently with Kent Conservation District and DelDOT to help alleviate some of the flooding problems that occur in this area along White Oak Road.

We have met with Kent Conservation District a couple times to discuss our proposed stormwater management plans so that we do not adversely affect their proposed plans for correcting the flooding problems. Per KCD's recommendation, we have scheduled soils testing to manage our stormwater runoff effectively and not adversely affect our site and adjacent properties. We are also working with KCD to create a stormwater easement and conveyance system along our parcel boundary that would drain the flooded area along White Oak Road to the existing tax ditch.

DelDOT has also expressed concerns regarding the flooding conditions along White Oak Road and the lack of positive drainage flow in the roadside swale. We have met and are working with them to lessen the stormwater discharge from our site to White Oak Road and promote positive flow along White Oak Road in front of our site.

We are planning to schedule a follow up meetings in June with the Planning Department, Public Works, DelDOT and Kent Conservation District after we receive the soils test results and finalize our Preliminary Design.

Request for Extension of Rezoning
Review by Dover City Council
June, 27, 2011

Applicant/Owner:	Young Men's Christian Association of Delaware, Inc.
Location:	1169 South State Street
Current Zoning:	IO (Institutional and Office Zone)
Zoning if Reverted:	RG-O (General Residence and Office Zone)
File Number:	Z-10-04
Ordinance Number:	2010-10

On Monday, May 24, 2010 the Dover City Council voted to rezone property located at 1169 South State Street from RGO (General Residence and Office Zone) to IO (Institutional and Office Zone). According to the Zoning Ordinance, Article 10, Section 5, of the Dover Code:

> 5.183 Rezoning to prior classification. In all cases where the city council shall approve 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.

The applicant has submitted a request for extension of the current zoning classification, stating that the proposed construction is under review by the appropriate regulatory agencies. The Planning Commission issued conditional approval for a Site Development Plan (File #S-10-13) in June 2010. The applicant has submitted a request for a one-year extension to the Planning Commission for consideration on June 20, 2011. They are actively working toward completion of the final site plan and progressing with agency reviews and approvals, including City departments, the Kent Conservation District and DelDOT.

Staff Recommendation:

The Planning Staff confirms that the applicant has submitted a development application, and that the conditional approval granted by the Planning Commission remains active. As the property is actively in the development process, the Planning Staff recommends that City Council extend the approval of the IO (Institutional and Office Zone) zoning on this property. The applicant has given a satisfactory explanation for failure to commence construction and has given reasonable assurances that construction will commence in a timely manner.

City of Dover

Department of Planning & Inspections

Application No.: Z-10-04



Plan Title: Lands of YMCA
Location: 1169 South State Street
Plan Type: Rezoning
Tax Parcel: ED05-077.17-05-58.00-000
Zoning: RGO (General Residence and Office Zone)
Proposed Zoning: IO (Institutional and Office Zone)
Owner: Young Men's Christian Association of Delaware, Inc.
Date: 3-11-10

Legend

- Dover Parcels
- Zoning
- County Parcels

0 87.5 175 350 Feet

N W E S

BECKER MORGAN GROUP

ARCHITECTURE
ENGINEERING

PLANNING OUR
CLIENTS' SUCCESS

June 2, 2011

Ms. Traci A. McDowell, CMC
City Clerk
City of Dover
P.O. Box 475
Dover, DE 19903-0475

RE: **Rezoning Extension Request -ED-05-077.17-05-58.00-000**
LANDS OF YMCA OF DELAWARE, INC.
Dover, Delaware
2009114.00

Dear Ms. McDowell:

On behalf of our client, YMCA of Delaware, Inc., we are hereby submitting a request for extension of the Rezoning Application Z-10-04 previously approved on May 24, 2010 for the above-referenced property. This is submitted for consideration at the June 27, 2011 City Council hearing.

We request that Council allow the property to remain zoned as IO as approved on May 24, 2010 based on the following: The project was submitted to the City of Dover for site plan approval in June of 2010. The process to complete final construction plans and obtain final plan approvals is a lengthy process and generally requires more the one (1) year to complete. We are currently preparing the final construction documents for the project in order to begin filing for final plan approvals from the various agencies including the City of Dover. The YMCA fully intends to construct this project and has been actively pursuing funding for the proposed construction, however, due to the current economy, raising funds for the project has taken longer than anticipated. Their capital fundraising campaign is ongoing and they are currently anticipating final agency approvals and start of construction in the fall of this year. Once construction plans are completed and final approvals are forthcoming the project will be bid to contractors and the project will proceed to construction.

Please include us on the City Council agenda and contact me with any questions.

Sincerely,

BECKER MORGAN GROUP, INC.

Michael J. Henry, LEED AP
Associate

MJH/rlh

Cc: Mr. James Kelly, YMCA of Delaware, Inc.
Mr. Rick Gould, Central Delaware YMCA

200911400bt-ltr.doc

ARCHITECTURE & ENGINEERING

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3205 RANDALL PARKWAY
WILMINGTON, NC 28403
910.341.7600
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www.beckermorgan.com

Request for Extension of Rezoning
Review by Dover City Council
June, 27, 2011

Applicant/Owner:	JNK, LLC
Location:	1051 College Road
Current Zoning:	R-8 (One Family Residence Zone)
Zoning if Reverted:	RG-2 (General Residence Zone)
File Number:	Z-09-05
Ordinance Number:	2009-29

On Monday, April 12, 2010 the Dover City Council voted to rezone property located at 1051 College Road from R-8 (One Family Residence Zone) to RG-2 (General Residence Zone). According to Appendix B - Zoning, Article 10, Section 5, of the Dover Code:

> 5.183 Rezoning to prior classification. In all cases where the city council shall approve 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.

Project Status:

The applicant has submitted a request for extension of the current zoning classification, stating that the proposed construction is under review by the appropriate regulatory agencies. The Planning Commission issued conditional approval for a Conditional Use Site Development Plan (File #C-10-02) in August 2010. The applicant has submitted a request for a one-year extension to the Planning Commission for consideration on July 18, 2011.

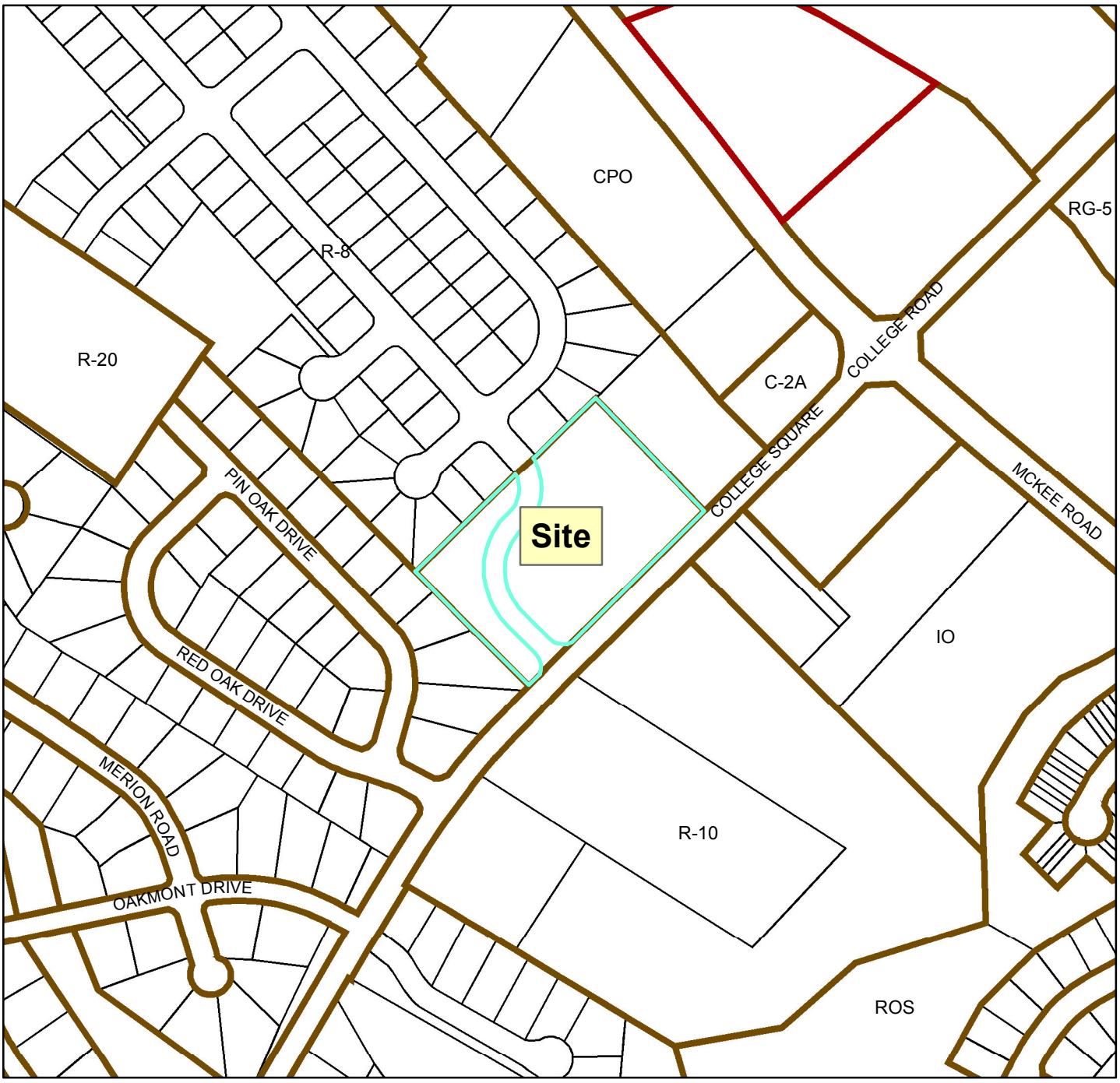
Staff Recommendation:

The Planning Staff confirms that the applicant has submitted a development application, and that the conditional approval granted by the Planning Commission remains active. As the property is the subject of an active development application, the Planning Staff recommends that City Council extend the approval of the RG-2 (General Residence Zone) zoning on this property. The applicant has given a satisfactory explanation for failure to commence construction and has given reasonable assurances that construction will commence in a timely manner.

City of Dover

Department of Planning & Inspections

Application No.: Z-09-05



Plan Title: Lands of JNK, LLC
Location: 1051 College Road
Plan Type: Rezoning
Tax Parcel: ED05-076.12-04-02.00-000
Zoning: R-8 current, RG-2 proposed
Owner: JNK, LLC
Date: December 13, 2009

Legend

- Dover Parcels
- Zoning

0 210 420 840 Feet

N W E S

PENNONI ASSOCIATES INC.
CONSULTING ENGINEERS

TASB 0902

June 09, 2011

Ms. Dawn Melson-Williams, AICP, Principal Planner
The City of Dover Department of Planning and Inspections
15 East Loockerman Street
Dover, Delaware 19901
Submitted via e-mail dmelson@dover.de.us

RE: Lands of JNK, LLC: Rezoning Application #Z-09-05
1051 College Road – City of Dover, Delaware

Dear Ms. Melson-Williams:

At its meeting of April 12, 2010, the Dover City Council voted to rezone property located at 1051 College Road from R-8 (One Family Residence Zone) to RG-2 (General Residence Zone). We have received a May 27, 2011 letter from the City of Dover indicating that City Council is scheduled to consider an amendment to rezone this property back to R-8 since construction on the subject property has not been initiated. On behalf of the property owner (JNK, LLC), we respectfully request an extension to Rezoning Application #Z-09-05 based on the following:

- After this property was rezoned to RG-2, a Conditional Use Site Plan Application was submitted and subsequently approved by the City of Dover Planning Commission on August 16, 2010 for construction of a forty-eight (48) unit condominium complex. While the developer fully intends on pursuing final approval/recordation of this application and then constructing the condominium complex, current economic conditions have forced the developer to delay the application. A one (1)-year extension to the Conditional Use Site Plan Approval will be requested with the City of Dover Planning Commission. Please refer to attached letter.

- According to Map 12-1 ("Proposed Land Development Plan"), dated November 23, 2009, in the City of Dover Comprehensive Plan, this property falls within the "residential medium density" classification. Therefore, an RG-2 zoning classification on this property is appropriate.

If you have any questions/comments or require additional information, please contact me at this office. We appreciate your continued involvement with this project.

Respectfully submitted,

PENNONI ASSOCIATES INC.

Douglas D. Barry

Douglas D. Barry, PE, Project Manager

cc: Ashburn Homes Incorporated *(submitted via e-mail tony@ashburnhomes.net)*
City Clerk's Office *(submitted via e-mail cityclerk@dover.de.us)*

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PENNONI ASSOCIATES INC.
CONSULTING ENGINEERS

TASB 0902

June 10, 2011

Ms. Dawn Melson-Williams, AICP, Principal Planner
The City of Dover Department of Planning and Inspections
15 East Loockerman Street
Dover, Delaware 19901
Submitted via e-mail dmelson@dover.de.us

RE: The Arbors Condominiums Project
Conditional Use Site Plan Application #C-10-02
1051 College Road – City of Dover, Delaware

Dear Ms. Melson-Williams:

At its meeting of August 16, 2010, the City of Dover Planning Commission moved to approve the Conditional Use Site Plan Application for The Arbors Condominiums Project at 1051 College Road in the City of Dover, Delaware. Conditions of said approval are outlined in a July 08, 2010 Development Advisory Committee ("DAC") Report and an August 20, 2010 letter from your office.

We have revised our plans to incorporate comments provided in both of these letters; however, have yet to procure approvals and/or Letters of No Objection from the various DAC agencies. The developer (and applicant) has instructed us to delay these applications due to poor economic conditions and is hoping that additional time will allow the economy to improve and, thus, allow them to be in a better position to construct and market the proposed condominium complex.

We are aware that City of Dover Planning Commission approval for this project will expire on August 16, 2011. ***Therefore, this letter shall serve as a formal and respectful request to the City of Dover Planning Commission for a one (1)-year extension of the approval granted for this project.*** The one (1)-year extension will provide ample time to procure DAC approvals and then submit Final Plans and Architectural Plans to The City of Dover Department of Planning and Inspections for approval.

If you have any questions/comments or require additional information, please contact me at this office. We appreciate your continued involvement with this project.

Respectfully submitted,

PENNONI ASSOCIATES INC.

Douglas D. Barry

Douglas D. Barry, PE, Project Manager

cc: Ashburn Homes Incorporated *(submitted via e-mail tony@ashburnhomes.net)*
City Clerk's Office *(submitted via e-mail cityclerk@dover.de.us)*

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CITY OF DOVER PROPOSED ORDINANCE #2011-11

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

That Chapter 102 - Taxation, Article IV - Abatement of Real Estate Taxes, Section 102-113 - Qualifications, be amended by inserting the text indicated in bold, blue, italics and deleting the text indicated in red strikeout as follows:

Sec. 102-113. - Qualifications.

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

Control with respect to a corporation means ownership, directly or indirectly, of stock possessing 50 percent ***(50%)*** or more of the total combined voting power of all classes of the stock of such corporation entitled to vote and 50 percent ***(50%)*** or more of the shares of such corporation entitled to vote and 50 percent ***(50%)*** or more of the total number of shares of all other classes of such corporation's stock.

Control with respect to a trust means ownership, directly or indirectly, of 50 percent ***(50%)*** or more of the beneficial interest in the principal or income of such trust. The ownership of stock in a corporation, of a capital of profits interest in a partnership or association, or of a beneficial interest in a trust shall be determined in accordance with the rules for constructive ownership of stock provided in section 267(c) of the Internal Revenue Code (26 USC 267(c)).

Expanded facility means any qualified property that is modified with an improvement or addition (other than a replacement resulting from the acquisition, construction, reconstruction, installation, or erection of improvements or additions resulting from repairing, refurbishing, retooling, recycling, or other similar process or procedure that merely preserves or restores the value of an existing facility and not including any improvement or addition that, in the determination of the council, does not constitute an integral part of a qualified activity), if such improvements or additions are placed in service by the taxpayer after January 1, 2001. Abatement will only be to the extent of the taxpayer's qualified investment in such improvements or additions.

Large vacant commercial facility means a building of ~~35,000~~ 20,000 *(LF&A amendment)* ***square feet or larger and vacant continuously for 18 months or more.***

New facility means any qualified facility (other than an expanded facility or a replacement facility) constructed by the taxpayer after January 1, 2001. For the purposes of this article, the term "constructed" means the issuance of a building permit for $1,000,000.00 or more with regards to subsection (b)(1) of this section, and the issuance of a building permit for $3,000,000.00 or more with regards to subsection (b)(2) of this section.

Placed in service and *original use* have the meanings ascribed to such terms under section 167 of the Internal Revenue Code (26 USC 167) and regulations promulgated thereunder.

Draft

Qualified activity means any activity constituting manufacturing (other than any repair, refurbishing, retooling, recycling or other similar process or procedure that merely preserves or restores the value of a product or that does not change the inherent nature of a product or material). Such term includes any activity engaging in business as a wholesaler; the CCBA and any subsequent legislation as enacted by the state; any home offices and operating units of insurance companies; and any combination of activities described herein.

Qualified employee means any person employed within the city/county on a regular and full-time basis.

Qualified facility means any qualified property located in the city that constitutes a new or an expanded facility, located within the industrial park manufacturing district, industrial park manufacturing 2 district, or manufacturing district, and that is used by a taxpayer in or in connection with a qualified activity.

Qualified investment for any taxable year is based on the value of a qualified facility as of the last business day of such taxable year.

Qualified property means any building and its structural components, and any other improvement to real property. Such term includes the land on which such building or other improvements are located, if ownership of said land and structural improvements is identical. If any property is owned or leased by the taxpayer in common with any other person or persons, such property may constitute "qualified property" only to the extent of the taxpayer's proportionate interest.

Related person means a corporation, partnership, association, or trust controlled by the taxpayer; or an individual, corporation, partnership, association, or trust that is in control of the taxpayer; or a corporation, partnership, association, or trust controlled by an individual, corporation, partnership, association, or trust that is in control of the taxpayer.

(b) *Established*. Industries/businesses may qualify for property tax abatement either by meeting the industry function qualifications detailed in the following subsection (b)(1) or the investment qualifications detailed in the following subsection (b)(2) ***or the occupancy qualifications detailed in the following subsection (b)(3):***

(1) *Qualifying industries/businesses by function.*

a. Manufacturers and financial institutions as defined by the FCDA, CCBAA, and subsequent legislation and home offices and operating units of insurance companies shall be qualifying industries, including, but not be limited to, distributors, transportation (air, rail, barge, truck), printing and publishing, and food processing.

b. *Investment and employees.* The qualifying industry must invest at least $1,000,000.00 in a qualifying new or expanded facility in the city and hire at least 20 qualified employees (including owners/operators), 75 percent ***(75%)*** of whom shall be city/county residents not employed by the qualifying industry/activity at the time of its relocation/expansion within the city. The council may, at the time of application, reduce the 75 percent ***(75%)*** requirement to a lesser percentage, but not less than 50 percent ***(50%)***. The qualifying industry agrees to supply information verifying compliance with this section in whatever legally acceptable manner the council shall so request.

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(2) *Qualifying industry/businesses by investment.* Industries/businesses that do not meet the qualifications as specified in subsection (b)(1) of this section can nevertheless qualify for property tax abatement by investing a minimum of $3,000,000.00 in a new or expanded facility in the city located within the industrial park manufacturing district, industrial park manufacturing 2 district, or the manufacturing district, and hire at least 15 qualified employees (including owners/operators), 75 percent ***(75%)*** of whom shall be city/county residents not employed by the qualifying industry/activity at the time of its relocation/expansion within the city. The council may, at the time of application, reduce the 75 percent ***(75%)*** requirement to a lesser percentage, but not to less than 50 percent ***(50%)***. The qualifying industry agrees to supply information verifying compliance with this section in whatever legally acceptable manner the council shall so request.

(3) Qualifying industry/business by occupying a large vacant commercial facility. Entities that do not qualify for property tax abatement under subsection (b)(1) or (b)(2) of this section can qualify for property tax abatement by (a) purchasing a large vacant commercial facility if the purchase of the large vacant commercial facility will result in the employment of 15 or more full-time employees; or (b) leasing a large vacant commercial facility if the initial lease term is at least ten (10) years, the lease of the large vacant commercial facility will result in the employment of 15 (fifteen) or more full-time employees, and the occupying tenant submits a letter of intent to lease and requests the abatement for either their own benefit when the tax burden is the responsibility of the tenant, or on behalf of the owner when the tax burden is the responsibility of the owner. The demolition of a large vacant building and the construction of a new replacement ~~35,000~~ 20,000 square feet *(LF&A amendment)* ***or greater that meets the conditions of (b)(3) of Sec. 102-113. - Qualifications shall qualify for abatement.***

(c) *Benefits.*

(1) The council may abate city real estate taxes on a ten-year sliding scale as follows, or upon any other scale or method deemed most advantageous by the council for the public welfare:

~~Year of Operation~~	~~Reduction of Taxes (Percent)~~
Fiscal Year Construction Ended	***100 Percent (100%) Reduction of Taxes***
First (1st) Year of Operation	90 ***Percent (90%) Reduction of Taxes***
Second (2nd) Year of Operation	80 ***Percent (80%) Reduction of Taxes***
Third (3rd) Year of Operation	70 ***Percent (70%) Reduction of Taxes***
Fourth (4th) Year of Operation	60 ***Percent (60%) Reduction of Taxes***
Fifth (5th) Year of Operation	50 ***Percent (50%) Reduction of Taxes***
Sixth (6th) Year of Operation	40 ***Percent (40%) Reduction of Taxes***
Seventh (7th) Year of Operation	30 ***Percent (30%) Reduction of Taxes***
Eighth (8th) Year of Operation	20 ***Percent (20%) Reduction of Taxes***

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Ninth (9th) Year of Operation	10 ***Percent (10%) Reduction of Taxes***
Tenth (10th) Year of Operation	0 ***Percent (0%) Reduction of Taxes***

(2) Unless otherwise directed by the council, year one of the abatement period will commence with the first property tax billing following the completion of the qualifying new or expanded facility and the meeting of all requirements as detailed in subsections (b)(1) and (b)(2) of this section. Abatement for expanded facilities will be limited to expansion value only.

(3) All quarterly property taxes for new construction, as defined in section 49A of the city Charter, will likewise be abated for qualifying new or expanded facilities.

(4) The property tax abatement program will have no effect on both citywide revaluations of property values for taxation purposes and the institution of those new values.

(d) ***Downtown Residential Tax Abatement.*** 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 ***(75%)*** tax abatement; third year of ownership, 50 percent ***(50%)*** tax abatement; fourth year of ownership, 25 percent ***(25%)*** 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 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.

~~Year of Owner Occupancy~~	~~Reduction of Taxes (Percent)~~
First (1st) Year of Owner Occupancy	100 ***Percent (100%) Reduction of Taxes***
Second (2nd) Year of Owner Occupancy	75 ***Percent (75%) Reduction of Taxes***
Third (3rd) Year of Owner Occupancy	50 ***Percent (50%) Reduction of Taxes***
Fourth (4th) Year of Owner Occupancy	25 ***Percent (25%) Reduction of Taxes***
Fifth (5th) Year of Owner Occupancy	0 ***Percent (0%) Reduction of Taxes***

(Code 1981, § 19.5-33; Ord. of 12-11-2000; Ord. of 8-8-2005(3))

ADOPTED: *

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SYNOPSIS

This amendment would provide property tax abatement to an industry/business that occupies, purchases, or leases a large, vacant commercial facility if it is ~~35,000~~ 20,000 *(LF&A amendment)* square feet or larger, and has been vacant continuously for 18 months or longer, the sale or lease of the building results in the employment of 15 or more full-time employees, and, if the building is leased, the lease must be for ten (10) years or more with the tax burden being the responsibility of the lessee.

Actions History

06/27/2011 - Scheduled for First Reading

06/13/2011 - Scheduled for Consideration by the Legislative, Finance, and Administration Committee

Draft

FIRST 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.

DRAFT

(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

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

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.

(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 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 ordinance (appendix B) .....~~	~~$250.00~~

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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.

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Memorandum

Office of the City Manager
PO Box 475
Dover, DE 19903
Phone: (302) 736-7164
FAX: (302) 736-7002
Email: ttieman@dover.de.us

To: Mayor and City Council

From: Teresa Tieman, Sr. City Administrator

cc: City Clerk's Office

Date: June 22, 2011

Subject: Updates to Fiscal Year 2012 Final Budget Ordinances

The ordinances for the Fiscal Year 2012 Final Budget have been updated to reflect the following changes the Electric I & E Fund expenses.

- Transmission and Distribution – reduced by $100,000
- Electric Engineering - reduced by $50,000

For your convenience, these updates are highlighted in yellow on page 15 of the attached. This reduction has increased the current year balance of the Electric I & E Fund by $150,000.

If you have any questions, please feel free to give me a call.

Thank you.

/hf

CITY OF DOVER ORDINANCE # 2011-16

FINAL READING

2011-2012 BUDGET ORDINANCES

GENERAL FUND - CASH RECEIPTS AND BUDGET FOR 2011-2012

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

The amount hereinafter named aggregating Thirty Eight Million Sixty Thousand Ninety Nine dollars ($38,060,099) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2011 and ending June 30, 2012:

	2010/11 REVISED	2011/12 BUDGET
RECEIPTS		
PRIOR YEAR BALANCE	$ 2,655,562	$ 3,322,305
FINES AND POLICE REVENUE	578,889	579,000
911 FEE	60,000	60,000
INVESTMENT INCOME	116,000	215,900
LIBRARY REVENUES	44,100	44,100
KENT COUNTY BOOK REIMBURSEMENT	390,900	390,900
BUSINESS LICENSES	1,470,000	1,523,675
PERMITS AND OTHER LICENSES	892,000	934,000
MISCELLANEOUS CHARGES	65,750	165,750
POLICE EXTRA DUTY	300,000	300,000
PROPERTY TAXES	10,982,634	11,133,367
BID REVENUE	52,692	51,821
RECREATION REVENUE	141,500	152,000
FRANCHISE FEE	520,000	520,000
TRASH FEES	2,050,000	2,050,000
DSWA TRASH FEE REBATE	141,635	-
RENT REVENUE - GARRISON FARM	87,000	87,000
COURT OF CHANCERY FEES	715,000	690,000
RECEIPTS SUBTOTAL	21,263,662	22,219,818
INTERFUND SERVICE RECEIPTS		
INTRAFUND SERVICE RECEIPTS WATER/WASTEWATER	944,580	988,393
INTRAFUND SERVICE RECEIPTS ELECTRIC	3,293,025	3,370,778
INTERFUND SERVICE RECEIPTS SUBTOTAL	4,237,605	4,359,171
GRANTS		
POLICE RELATED	80,000	60,000
CAPITAL SCHOOL DISTRICT REVENUE	73,500	73,500
POLICE PENSION GRANT	620,000	620,000
RECREATION GRANTS	51,000	-
HOMELAND SECURITY GRANT	188,061	-
GRANTS SUBTOTAL	1,012,561	753,500
TRANSFERS FROM		
TRANSFER TAX	1,400,000	900,000
MUNICIPAL STREET AID	526,814	526,814
CIVIL TRAFFIC PENALTIES	1,000,000	1,000,000
WATER/WASTEWATER	-	424,508
ELECTRIC	8,856,000	7,876,288
TRANSFERS FROM SUBTOTAL	11,782,814	10,727,610
TOTALS	**$ 38,296,642**	**$ 38,060,099**

	2010/11 REVISED	2011/12 BUDGET
DEPARTMENT EXPENSES		
CITY CLERK	$ 278,868	$ 296,393
COUNCIL	128,944	120,699
TAX ASSESSOR	269,721	213,175
FIRE	665,732	684,725
GROUNDS MAINTENANCE	1,029,824	979,922
LIBRARY	1,064,547	1,159,087
RECREATION	811,261	789,701
LIFE SAFETY	512,792	449,226
CODE INFORCEMENT	293,540	284,489
PLANNING	409,937	422,781
INSPECTIONS	561,668	553,907
ECONOMIC DEVELOPMENT	229,938	223,717
POLICE	12,245,023	12,955,807
POLICE EXTRA DUTY	449,516	430,600
STREETS	837,040	782,810
SANITATION	2,253,529	2,330,976
CITY MANAGER	576,782	622,127
INFORMATION TECHNOLOGY	688,969	685,871
FINANCE	802,269	852,283
PUBLIC SERVICES - ADMINISTRATION	367,646	472,692
FACILITIES MANAGEMENT	926,252	952,693
CENTRAL SERVICES	648,859	693,339
FLEET MAINTENANCE	730,432	695,422
CUSTOMER SERVICES	866,691	928,112
HUMAN RESOURCES	336,035	384,758
MAYOR	88,335	81,154
DEPARTMENT SUBTOTALS	28,074,150	29,046,466
OTHER EXPENSES		
DEBT SERVICE	331,800	327,270
TRANSFER TO CONTINGENCY	172,061	-
INSURANCE	550,000	550,000
RETIREES HEALTH CARE	1,297,509	1,374,709
PENSION UNFUNDED LIABILITY	1,449,978	1,450,000
POLICE PENSION FUND	620,000	620,000
POLICE PENSION UNFUNDED LIABILITY	95,000	95,000
UNCOLLECTIBLES - TRASH AND OTHER	110,000	10,000
STREET LIGHTS	960,000	960,000
OTHER EXPENSE SUBTOTAL	5,586,348	5,386,979
TRANSFERS		
TRANSFER TO CAPITAL FUND - PROJECTS	1,307,839	623,847
TRANSFER TO CAPITAL FUND - RESERVE	-	200,000
TRANSFER TO CDBG FUND	6,000	-
TRANSFERS SUBTOTAL	1,313,839	823,847
CURRENT YEAR BALANCE	3,322,305	2,802,807
TOTALS	**$ 38,296,642**	**$ 38,060,099**

The City Manager is hereby authorized, without further approval of the City Council, to make inter-departmental transfers of up to five percent of the amount hereinafter appropriated to any department except that the City Manager shall not make any transfers prohibited by City Procedure #F306 and/or #F306ADD.

2011-2012 BUDGET ORDINANCES - CONTINUED

GOVERNMENTAL CAPITAL PROJECTS FUND
CASH RECEIPTS/REVENUES AND BUDGET FOR 2011-2012

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

The amount hereinafter named aggregating Fourteen Million Twenty Four Thousand Nine Hundred Forty Seven dollars ($14,024,947) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2011 and ending June 30, 2012:

CASH RECEIPTS

	2010/11 REVISED	2011/12 BUDGET
BEGINNING BALANCE - PROJECTS	$ 227,592	$ 195,191
STATE GRANTS	4,232,348	5,597,505
INTEREST EARNINGS	10,900	10,900
RECREATION GRANTS	34,583	-
POLICE GRANTS	38,000	-
LIBRARY BOND ISSUE/CONTRIBUTIONS	1,000,000	2,334,889
TRANSFER FROM GENERAL FUND FOR PROJECTS	1,307,839	623,847
TRANSFER FROM LIBRARY RESERVE	2,363,732	3,262,615
PARKLAND RESERVE RECEIPT	36,872	-
BOND PROCEEDS	-	2,000,000
TOTALS	**$ 9,251,866**	**$ 14,024,947**

GOVERNMENTAL CAPITAL PROJECTS FUND - CONTINUED
CASH RECEIPTS/REVENUES AND BUDGET FOR 2011-2012

EXPENSE SUMMARY

DEPARTMENT EXPENSES	2010/11 REVISED	2011/12 BUDGET
FIRE	223,700	244,820
GROUNDS MAINTENANCE	46,517	-
LIBRARY	7,630,663	11,195,009
RECREATION	81,872	30,000
POLICE	322,830	65,000
STREETS	454,476	1,230,027
SANITATION	212,419	136,500
INFORMATION TECHNOLOGY	7,000	6,400
MAYOR	52,198	-
DEPARTMENT SUBTOTAL	9,031,675	12,907,756
TRANSFERS		
TRANSFER TO COMMUNITY TRANS FUND 318	25,000	-
CURRENT YEAR BALANCE - BOND PROCEEDS	-	1,000,000
CURRENT YEAR BALANCE	195,191	117,191
TOTALS	**$ 9,251,866**	**$ 14,024,947**

The City Manager is hereby authorized, without further approval of the City Council, to make inter-departmental transfers of up to five percent of the amount hereinafter appropriated to any department except that the City Manager shall not make any transfers prohibited by City Procedure #F306 and/or #F306ADD.

2011-2012 BUDGET ORDINANCES - CONTINUED

GENERAL FUND CONTINGENCY
CASH RECEIPTS/REVENUES AND BUDGET FOR 2011-2012

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

The amount hereinafter named aggregating Seven Hundred Twenty Five Thousand Five Hundred Fifty Four dollars ($725,554) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2011 and ending June 30, 2012:

CASH RECEIPTS

	2010/11 REVISED	2011/12 BUDGET
BEGINNING BALANCE	$ 530,393	$ 725,554
INTEREST EARNINGS	23,100	-
TRANSFER FROM GENERAL FUND	172,061	-
TOTALS	**$ 725,554**	**$ 725,554**

EXPENSE SUMMARY

	2010/11 REVISED	2011/12 BUDGET
CARRY FORWARD TO NEXT YEAR	$ 725,554	$ 725,554
TOTALS	**$ 725,554**	**$ 725,554**

The City Manager is hereby authorized, without further approval of the City Council, to make inter-departmental transfers of up to five percent of the amount hereinafter appropriated to any department except that the City Manager shall not make any transfers prohibited by City Procedure #F306 and/or #F306ADD.

2011-2012 BUDGET ORDINANCES - CONTINUED

GENERAL CAPITAL ASSET REPLACEMENT FUND
CASH RECEIPTS/REVENUES AND BUDGET FOR 2011-2012

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

The amount hereinafter named aggregating Four Hundred Sixty Four Thousand One Hundred Forty Five dollars ($464,145) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2011 and ending June 30, 2012:

CASH RECEIPTS

	2010/11 REVISED	2011/12 BUDGET
BEGINNING BALANCE	$ 249,145	$ 256,645
INTEREST EARNINGS	7,500	7,500
TRANSFER FROM GENERAL FUND	-	200,000
TOTALS	**$ 256,645**	**$ 464,145**

EXPENSE SUMMARY

	2010/11 REVISED	2011/12 BUDGET
TRANSFER TO GOVERNMENTAL CAPITAL FUND	$ 256,645	$ 464,145
TOTALS	**$ 256,645**	**$ 464,145**

The City Manager is hereby authorized, without further approval of the City Council, to make inter-departmental transfers of up to five percent of the amount hereinafter appropriated to any department except that the City Manager shall not make any transfers prohibited by City Procedure #F306 and/or #F306ADD.

2011-2012 BUDGET ORDINANCES - CONTINUED

MUNICIPAL STREET AID FUND
CASH RECEIPTS/REVENUES AND BUDGET FOR 2011-2012

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

The amount hereinafter named aggregating Five Hundred Twenty Seven Thousand Fourteen dollars ($527,014) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2011 and ending June 30, 2012:

CASH RECEIPTS

	2010/11 REVISED	2011/12 BUDGET
BEGINNING BALANCE	$ -	$ 100
STATE GRANT	526,814	526,814
INTEREST EARNED	100	100
TOTALS	**$ 526,914**	**$ 527,014**

BUDGET SUMMARY

	2010/11 REVISED	2011/12 BUDGET
TRANSFER TO GENERAL FUND	$ 526,814	$ 526,814
CURRENT YEAR BALANCE	100	200
TOTALS	**$ 526,914**	**$ 527,014**

The City Manager is hereby authorized, without further approval of the City Council, to make inter-departmental transfers of up to five percent of the amount hereinafter appropriated to any department except that the City Manager shall not make any transfers prohibited by City Procedure #F306 and/or #F306ADD.

2011-2012 BUDGET ORDINANCES - CONTINUED

WATER/WASTEWATER FUND
REVENUES AND BUDGET FOR 2011-2012

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

The amount hereinafter named aggregating Sixteen Million Two Hundred Eighty Thousand Eighty Five dollars ($16,280,085) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2011 and ending June 30, 2012:

BASE REVENUE	**2010/11 REVISED**	**2011/12 BUDGET**
PRIOR YEAR BALANCE - WATER	$ 1,236,546	$ 2,385,027
PRIOR YEAR BALANCE - WASTEWATER	902,366	1,741,242
PRIOR YEAR BALANCE - KCSA	(1,872,081)	(1,757,484)
WATER FEES	4,800,000	4,603,400
WASTEWATER FEES	3,500,000	3,756,700
WASTEWATER ADJUSTMENT FEES	3,000,000	3,090,900
GROUNDWATER INFLOW ADJUSTMENT	1,350,000	1,386,900
WATER TANK SPACE LEASING	299,400	307,600
SEWER IMPACT FEES	323,000	323,000
WATER IMPACT FEES	357,000	357,000
INTEREST - WATER	8,886	10,600
INTEREST - WASTEWATER	10,914	17,200
MISCELLANEOUS SERVICE FEE	58,000	58,000
TOTALS	**$ 13,974,031**	**$ 16,280,085**

	2010/11 REVISED	2011/12 BUDGET
DIRECT EXPENSES		
ENGINEERING & INSPECTION	$ 540,099	$ 622,230
WATER CONSTRUCTION	400,439	440,088
WATER DEPARTMENT	374,920	382,655
WATER TREATMENT PLANT	1,475,704	1,543,114
WASTEWATER DEPARTMENT	945,296	959,735
KENT COUNTY TREATMENT CHARGE	4,235,403	4,235,400
DIRECT EXPENDITURE SUBTOTAL	7,971,861	8,183,222
OTHER EXPENSES		
DEBT SERVICE - WATER	244,000	320,853
DEBT SERVICE - WASTEWATER	216,000	416,083
RETIREES HEALTH CARE	177,427	190,830
UNCOLLECTIBLES	71,000	5,000
PENSION UNFUNDED LIABILITY	372,000	228,400
INTRAFUND SERVICE FEES	1,117,897	1,228,596
INVENTORY/FIXED ASSET WRITEOFFS	-	10,000
OTHER EXPENSES SUBTOTAL	2,198,324	2,399,762
TRANSFER TO		
GENERAL FUND FROM WATER	-	238,842
GENERAL FUND FROM WASTEWATER	-	185,666
WATER IMP AND EXT	500,000	750,000
WASTEWATER IMP AND EXT	500,000	1,000,000
SEWER IMPACT FEE RESERVE	107,000	-
WATER IMPACT FEE RESERVE	113,000	36,147
TRANSFER TO CONTINGENCY WASTEWATER	18,000	8,000
CAPITAL ASSET RESERVE WATER	100,000	100,000
CAPITAL ASSET RESERVE WASTEWATER	100,000	300,000
TRANSFER TO SUBTOTAL	1,438,000	2,618,655
CURRENT YEAR BALANCES		
CURRENT YEAR BALANCE WATER	2,383,557	2,738,400
CURRENT YEAR BALANCE WASTEWATER	1,739,773	1,855,130
CURRENT YEAR BALANCE KCSA	(1,757,484)	(1,515,084)
CURRENT YEAR BALANCE SUBTOTALS	2,365,846	3,078,446
TOTALS	**$ 13,974,031**	**$ 16,280,085**

The City Manager is hereby authorized, without further approval of the City Council, to make inter-departmental transfers of up to five percent of the amount hereinafter appropriated to any department except that the City Manager shall not make any transfers prohibited by City

2011-2012 BUDGET ORDINANCES - CONTINUED

WATER/WASTEWATER IMPROVEMENT & EXTENSION FUND
CASH RECEIPTS/REVENUES AND BUDGET FOR 2011-2012

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

The amount hereinafter named aggregating Five Million Two Hundred Fifty Six Thousand One Hundred Eighty Eight dollars ($5,256,188) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2011 and ending June 30, 2012:

CASH RECEIPTS

	2010/11 REVISED	2011/12 BUDGET
PRIOR YEAR BALANCE - WATER	$ 1,840,910	$ 1,139,872
PRIOR YEAR BALANCE - WASTEWATER	(45,575)	303,476
PRIOR YEAR BOND PROCEEDS WATER	2,404,017	-
PRIOR YEAR BOND PROCEEDS - WASTEWATER	3,797,956	-
STATE LOAN FUND - WASTEWATER	765,060	1,800,000
TRANS FR WATER/WASTEWATER FOR WATER	500,000	750,000
TRANS FR WATER/WASTEWATER FOR WASTEWATER	500,000	1,000,000
TRANSFER FROM IMPACT FEE RESERVE	516,781	262,840
FEDERAL/STATE GRANTS	28,877	-
TOTALS	**$ 10,308,026**	**$ 5,256,188**

CASH RECEIPTS/REVENUES AND BUDGET FOR 2011-2012

EXPENSE SUMMARY

	2010/11 REVISED	2011/12 BUDGET
WATER	$ 3,605,055	$ 766,240
WASTEWATER	5,259,623	3,404,900
WATER TREATMENT PLANT	-	22,900
WATER CONSTRUCTION	-	30,100
CURRENT YEAR BALANCE - WATER	1,139,872	1,070,632
CURRENT YEAR BALANCE - WASTEWATER	303,476	(38,584)
TOTALS	**$ 10,308,026**	**$ 5,256,188**

The City Manager is hereby authorized, without further approval of the City Council, to make inter-departmental transfers of up to five percent of the amount hereinafter appropriated to any department except that the City Manager shall not make any transfers prohibited by City Procedure #F306 and/or #F306ADD.

2011-2012 BUDGET ORDINANCES - CONTINUED

WATER/WASTEWATER CAPITAL ASSET RESERVE
CASH RECEIPTS/REVENUES AND BUDGET FOR 2011-2012

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

The amount hereinafter named aggregating Nine Hundred Twenty Five Thousand Six Hundred Seventy dollars ($925,670) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2011 and ending June 30, 2012:

CASH RECEIPTS

	2010/11 REVISED	2011/12 BUDGET
BEGINNING BALANCE - WATER	$ 211,713	$ 336,064
BEGINNING BALANCE - WASTEWATER	66,476	168,470
INTEREST EARNINGS - WATER	6,351	10,082
INTEREST EARNINGS - WASTEWATER	1,994	5,054
TRANSFER FROM WATER	100,000	100,000
TRANSFER FROM WASTEWATER	100,000	300,000
TRANSFER FROM WATER/WASTEWATER CONTINGENCY	18,000	6,000
TOTALS	**$ 504,534**	**$ 925,670**

EXPENSE SUMMARY

	2010/11 REVISED	2011/12 BUDGET
CARRY FORWARD TO NEXT YEAR WATER	$ 336,064	$ 452,146
CARRY FORWARD TO NEXT YEAR WASTEWATER	168,470	473,524
TOTALS	**$ 504,534**	**$ 925,670**

The City Manager is hereby authorized, without further approval of the City Council, to make inter-departmental transfers of up to five percent of the amount hereinafter appropriated to any department except that the City Manager shall not make any transfers prohibited by City Procedure #F306 and/or #F306ADD.

WATER/WASTEWATER CONTINGENCY RESERVE
CASH RECEIPTS/REVENUES AND BUDGET FOR 2011-2012

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

The amount hereinafter named aggregating Two Hundred Eighty Two Thousand Eight Hundred Forty Five dollars ($282,845) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2011 and ending June 30, 2012:

CASH RECEIPTS

	2010/11 REVISED	2011/12 BUDGET
PRIOR YEAR BALANCE	$ 259,067	$ 266,839
INTEREST EARNINGS	7,772	8,006
TRANSFER FROM WATER/WASTEWATER	18,000	8,000
TOTALS	**$ 284,839**	**$ 282,845**

BUDGET SUMMARY

	2010/11 REVISED	2011/12 BUDGET
TRANSFER TO CAPITAL ASSET RESERVE	$ 18,000	$ 6,000
CURRENT YEAR BALANCE	266,839	276,845
TOTALS	**$ 284,839**	**$ 282,845**

The City Manager is hereby authorized, without further approval of the City Council, to make inter-departmental transfers of up to five percent of the amount hereinafter appropriated to any department except that the City Manager shall not make any transfers prohibited by City Procedure #F306 and/or #F306ADD.

2011-2012 BUDGET ORDINANCES - CONTINUED

ELECTRIC REVENUE FUND
REVENUES AND BUDGET FOR 2011-2012

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

The amount hereinafter named aggregating One Hundred Six Million Two Hundred Seventy Four Thousand Seven Hundred Six dollars ($106,274,706) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2011 and ending June 30, 2012:

BASE REVENUE	**2010/11 REVISED**	**2011/12 BUDGET**
BUSINESS LICENSES	$ 13,537,864	$ 11,867,003
DIRECT SALES TO CUSTOMER	97,917,206	95,675,500
PURCHASE POWER ADJUSTMENT	(2,293,603)	(6,012,000)
UTILITY TAX	1,965,000	1,966,100
GREEN ENERGY	128,600	129,000
MISCELLANEOUS REVENUE	891,200	919,000
RENT REVENUE	186,816	225,000
TRANSFER FROM RATE STABILIZATION	-	1,000,000
INTRAFUND SERVICE RECEIPTS WATER/WASTEWATER	173,317	240,203
INTEREST EARNINGS	965,500	264,900
TOTALS	**$ 113,471,900**	**$ 106,274,706**

ELECTRIC REVENUE FUND - CONTINUED
REVENUES AND BUDGET FOR 2011-2012

EXPENSES	2010/11 REVISED	2011/12 BUDGET
POWER SUPPLY	$ 47,634,363	$ 42,047,430
POWER SUPPLY MANAGEMENT	2,321,562	1,170,000
PJM CHARGES - LOAD	13,363,432	15,043,396
CAPACITY CHARGES	12,302,392	8,506,512
CONTRACTUAL SERVICES	-	115,000
SUB-TOTAL POWER SUPPLY	75,621,749	66,882,338
PLANT OPERATIONS	6,155,046	5,964,817
GENERATIONS FUELS	3,244,977	664,641
PJM CREDITS	(5,553,404)	(1,285,675)
CAPACITY CREDITS	(11,419,723)	(7,388,283)
GENERATION SUBTOTAL	(7,573,104)	(2,044,500)
POWER SUPPLY & GENERATION SUBTOTAL	68,048,645	64,837,838
DIRECT EXPENDITURES		
TRANSMISSION/DISTRIBUTION	3,035,144	3,162,026
ELECTRICAL ENGINEERING	1,745,105	1,177,060
ADMINISTRATION	974,959	602,715
METER READING	205,915	215,208
SYSTEMS OPERATIONS	492,493	473,895
UTILITY TAX	1,965,000	1,966,100
DIRECT EXPENDITURE SUBTOTALS	8,418,616	7,597,004
OTHER EXPENSES:		
ALLOW FOR UNCOLLECTIBLES	310,000	150,000
RETIREES HEALTH CARE	639,110	646,510
TRANSFER TO PENSION UNFUNDED LIABILITY	833,000	1,110,500
OPEB	1,200,000	1,115,300
GREEN ENERGY PAYMENT TO DEMEC	128,600	129,000
INTRAFUND SERVICE FEES	3,293,025	3,370,778
INTEREST ON DEPOSITS	54,500	54,500
INVENTORY WRITE OFFS	175,000	175,000
DEBT SERVICE	3,589,904	3,336,800
OTHER EXPENSES SUBTOTAL	10,223,139	10,088,388
TRANSFER TO		
IMPROVEMENT & EXTENSION	3,500,000	3,500,000
GENERAL FUND	8,856,000	7,876,288
TRANSFER TO DEPRECIATION RESERVE	1,250,000	-
RATE STABILIZATION RESERVE	1,300,000	-
TRANSFER TO SUBTOTAL	14,906,000	11,376,288
CURRENT YEAR BALANCE	11,875,500	12,375,188
TOTALS	**$ 113,471,900**	**$ 106,274,706**

The City Manager is hereby authorized, without further approval of the City Council, to make inter-departmental transfers of up to five percent of the amount hereinafter appropriated to any department except that the City Manager shall not make any transfers prohibited by City Procedure #F306 and/or #F306ADD.

2011-2012 BUDGET ORDINANCES - CONTINUED

ELECTRIC UTILITY IMPROVEMENT AND EXTENSION FUND
CASH RECEIPTS/REVENUES AND BUDGET FOR 2011-2012

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

The amount hereinafter named aggregating Six Million Four Hundred Seventy Thousand Two Hundred Twenty Six dollars ($6,470,226) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2011 and ending June 30, 2012:

CASH RECEIPTS

	2010/11 REVISED	2011/12 BUDGET
PRIOR YEAR BALANCE BOND	$ 3,429,624	$ 2,561,096
INTEREST EARNINGS	415,585	-
INTEREST TRUSTEE	40,700	38,400
RECEIPT FROM DEPRECIATION RESERVE	-	300,000
STATE REIMBURSEMENT FOR GOVS AVE	254,757	-
STATE REIMBURSEMENT FOR WYOMING MILL RD	91,000	-
FEDERAL GRANTS	151,523	-
INSURANCE CLAIM PROCEEDS	280,000	-
TRANSFER FROM INSURANCE STABILIZATION	-	70,730
TRANSFER FROM ELECTRIC	3,500,000	3,500,000
TOTALS	**$ 8,163,189**	**$ 6,470,226**

EXPENSE SUMMARY

	2010/11 REVISED	2011/12 BUDGET
ELECTRIC GENERATION	$ 2,106,427	$ 1,810,410
TRANSMISSION AND DISTRIBUTION	739,000	648,337
ELECTRICAL ENGINEERING	1,756,666	1,790,716
METER READING	-	20,000
TRANSFER TO DEPRECIATION RESERVE	1,000,000	
CURRENT YEAR BALANCE	2,561,096	2,200,763
TOTALS	**$ 8,163,189**	**$ 6,470,226**

The City Manager is hereby authorized, without further approval of the City Council, to make inter-departmental transfers of up to five percent of the amount hereinafter appropriated to any department except that the City Manager shall not make any transfers prohibited by City Procedure #F306 and/or #F306ADD.

2011-2012 BUDGET ORDINANCES - CONTINUED

ELECTRIC UTILITY CONTINGENCY RESERVE
CASH RECEIPTS/REVENUES AND BUDGET FOR 2011-2012

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

The amount hereinafter named aggregating One Million One Hundred Ten Thousand Four Hundred Ninety Six ($1,110,496) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2011 and ending June 30, 2012:

CASH RECEIPTS

	2010/11 REVISED	2011/12 BUDGET
BEGINNING BALANCE	$ 1,039,766	$ 1,039,766
TRANSFER FROM INSURANCE STABILIZATION	-	70,730
TOTALS	**$ 1,039,766**	**$ 1,110,496**

EXPENSE SUMMARY

	2010/11 REVISED	2011/12 BUDGET
CARRY FORWARD TO NEXT YEAR	$ 1,039,766	$ 1,110,496
TOTALS	**$ 1,039,766**	**$ 1,110,496**

The City Manager is hereby authorized, without further approval of the City Council, to make inter-departmental transfers of up to five percent of the amount hereinafter appropriated to any department except that the City Manager shall not make any transfers prohibited by City Procedure #F306 and/or #F306ADD.

2011-2012 BUDGET ORDINANCES - CONTINUED

ELECTRIC UTILITY DEPRECIATION RESERVE
SOURCES AND USE OF FUNDS FOR 2011-2012

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

The amount hereinafter named aggregating Ten Million Eight Hundred Eighteen Thousand One Hundred Fifty Five dollars ($10,818,155) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2011 and ending June 30, 2012:

CASH RECEIPTS

	2010/11 REVISED	2011/12 BUDGET
PRIOR YEAR BALANCE	$ 8,021,155	$ 10,511,755
RECEIPT FROM ELECTRIC REVENUE FUND	1,250,000	-
RECEIPT FROM ELECTRIC I&E FUND	1,000,000	-
INTEREST EARNINGS	240,600	306,400
TOTALS	**$ 10,511,755**	**$ 10,818,155**

BUDGET SUMMARY

	2010/11 REVISED	2011/12 BUDGET
TRANSFER TO IMPROVEMENT AND EXTENSION	$ -	$ 300,000
TRANSFER TO FUTURE CAPACITY	-	500,000
CURRENT YEAR BALANCE	10,511,755	10,018,155
TOTALS	**$ 10,511,755**	**$ 10,818,155**

The City Manager is hereby authorized, without further approval of the City Council, to make inter-departmental transfers of up to five percent of the amount hereinafter appropriated to any department except that the City Manager shall not make any transfers prohibited by City Procedure #F306 and/or #F306ADD.

ELECTRIC UTILITY FUTURE CAPACITY RESERVE
SOURCES AND USE OF FUNDS FOR 2011-2012

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

The amount hereinafter named aggregating Ten Million Seventy Three Thousand Four Hundred Twenty Eight dollars ($10,073,428) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2011 and ending June 30, 2012:

CASH RECEIPTS

	2010/11 REVISED	2011/12 BUDGET
PRIOR YEAR BALANCE	$ 9,023,928	$ 9,294,628
RECEIPT FROM DEPRECIATION RESERVE	-	500,000
INTEREST EARNINGS	270,700	278,800
TOTALS	**$ 9,294,628**	**$ 10,073,428**

BUDGET SUMMARY

	2010/11 REVISED	2011/12 BUDGET
CURRENT YEAR BALANCE	$ 9,294,628	$ 10,073,428
TOTALS	**$ 9,294,628**	**$ 10,073,428**

The City Manager is hereby authorized, without further approval of the City Council, to make inter-departmental transfers of up to five percent of the amount hereinafter appropriated to any department except that the City Manager shall not make any transfers prohibited by City Procedure #F306 and/or #F306ADD.

2011-2012 BUDGET ORDINANCES - CONTINUED

ELECTRIC UTILITY INSURANCE STABLIZATION RESERVE
SOURCES AND USE OF FUNDS FOR 2011-2012

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

The amount hereinafter named aggregating Four Hundred Twenty Thousand Seven Hundred Thirty dollars ($420,730) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2011 and ending June 30, 2012:

CASH RECEIPTS

	2010/11 REVISED	2011/12 BUDGET
PRIOR YEAR BALANCE	$ 396,530	$ 408,430
INTEREST EARNINGS	11,900	12,300
TOTALS	**$ 408,430**	**$ 420,730**

BUDGET SUMMARY

	2010/11 REVISED	2011/12 BUDGET
TRANSFER TO ELECTRIC IMPROVEMENT & EXTENSION	$ -	$ 70,730
CURRENT YEAR BALANCE	408,430	350,000
TOTALS	**$ 408,430**	**$ 420,730**

The City Manager is hereby authorized, without further approval of the City Council, to make inter-departmental transfers of up to five percent of the amount hereinafter appropriated to any department except that the City Manager shall not make any transfers prohibited by City Procedure #F306 and/or #F306ADD.

ELECTRIC UTILITY RATE STABLIZATION RESERVE
SOURCES AND USE OF FUNDS FOR 2011-2012

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

The amount hereinafter named aggregating Six Million Four Hundred Six Thousand Four Hundred Nineteen dollars ($6,406,419) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2011 and ending June 30, 2012:

CASH RECEIPTS

	2010/11 REVISED	2011/12 BUDGET
PRIOR YEAR BALANCE	$ 4,776,519	$ 6,219,819
RECEIPT FROM ELECTRIC REVENUE FUND	1,300,000	-
INTEREST EARNINGS	143,300	186,600
TOTALS	**$ 6,219,819**	**$ 6,406,419**

BUDGET SUMMARY

	2010/11 REVISED	2011/12 BUDGET
TRANSFER TO ELECTRIC FUND	$ -	$ 1,000,000
CURRENT YEAR BALANCE	6,219,819	5,406,419
TOTALS	**$ 6,219,819**	**$ 6,406,419**

The City Manager is hereby authorized, without further approval of the City Council, to make inter-departmental transfers of up to five percent of the amount hereinafter appropriated to any department except that the City Manager shall not make any transfers prohibited by City Procedure #F306 and/or #F306ADD.

WORKERS COMPENSATION FUND
CASH RECEIPTS/REVENUES AND BUDGET FOR 2011-2012

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

The amount hereinafter named aggregating One Million Seven Hundred Thirteen Thousand Five Hundred Five dollars ($1,713,505) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2011 and ending June 30, 2012:

OPERATING REVENUES

	2010/11 REVISED	2011/12 BUDGET
PRIOR YEAR BALANCE	$ 1,566,938	$ 1,663,168
INTEREST INCOME	35,000	45,737
PREMIUM FROM CITY	670,530	-
MISCELLANEOUS REVENUE	4,600	4,600
TOTALS	**$ 2,277,068**	**$ 1,713,505**

OPERATING EXPENSES

	2010/11 REVISED	2011/12 BUDGET
PROGRAM EXPENSES/SUPPLIES - CLAIMS	$ 450,000	$ 450,000
INSURANCE	93,400	82,150
BANK FEES	1,500	1,500
STATE OF DEL - SELF INSURANCE TAX	37,000	37,000
CONTRACTUAL SERVICES	32,000	32,000
TOTAL EXPENSES	613,900	602,650
CURRENT YEAR BALANCE	1,663,168	1,110,855
TOTALS	**$ 2,277,068**	**$ 1,713,505**

The City Manager is hereby authorized, without further approval of the City Council, to make inter-departmental transfers of up to five percent of the amount hereinafter appropriated to any department except that the City Manager shall not make any transfers prohibited by City Procedure #F306 and/or #F306ADD.

COMMUNITY TRANSPORTATION IMPROVEMENT FUND
CASH RECEIPTS/REVENUES AND BUDGET FOR 2011-2012

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

The amount hereinafter named aggregating Two Million Five Hundred Sixty Five Thousand Four Hundred Fifty One dollars ($2,565,451) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2011 and ending June 30, 2012:

OPERATING REVENUES

	2010/11 REVISED	2011/12 BUDGET
PRIOR YEAR BALANCE	$ 309,851	$ 312,651
GRANTS REVENUE (Lincoln Park/Clarence St)	1,000,000	1,900,000
TRANSFER FROM GENERAL	300,000	350,000
INTEREST INCOME	2,800	2,800
TOTALS	**$ 1,612,651**	**$ 2,565,451**

OPERATING EXPENSES

	2010/11 REVISED	2011/12 BUDGET
PROGRAM EXPENSES	$ 1,300,000	$ 1,300,000
LINCOLN PARK/CLARENCE STREET GRANT EXP.	-	900,000
CURRENT YEAR BALANCE	312,651	365,451
TOTALS	**$ 1,612,651**	**$ 2,565,451**

The City Manager is hereby authorized, without further approval of the City Council, to make inter-departmental transfers of up to five percent of the amount hereinafter appropriated to any department except that the City Manager shall not make any transfers prohibited by City Procedure #F306 and/or #F306ADD.

2011-2012 BUDGET ORDINANCES - CONTINUED

PARKLAND/RECREATION RESERVE
CASH RECEIPTS/REVENUES AND BUDGET FOR 2011-2012

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

The amount hereinafter named aggregating One Hundred Ninety Seven Thousand Two Hundred Seventy Two dollars ($197,272) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2011 and ending June 30, 2012:

OPERATING REVENUES

	2010/11 REVISED	2011/12 BUDGET
PRIOR YEAR BALANCE	$ 221,594	$ 191,522
INTEREST INCOME	6,800	5,750
TOTALS	**$ 228,394**	**$ 197,272**

OPERATING EXPENSES

	2010/11 REVISED	2011/12 BUDGET
TRANSFER TO GENERAL CAPITAL PROJECTS FUND	$ 36,872	$ -
CURRENT YEAR BALANCE	191,522	197,272
TOTALS	**$ 228,394**	**$ 197,272**

The City Manager is hereby authorized, without further approval of the City Council, to make inter-departmental transfers of up to five percent of the amount hereinafter appropriated to any department except that the City Manager shall not make any transfers prohibited by City Procedure #F306 and/or #F306ADD.

2011-2012 BUDGET ORDINANCES - CONTINUED

LIBRARY RESERVE
CASH RECEIPTS/REVENUES AND BUDGET FOR 2011-2012

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

The amount hereinafter named aggregating One Million Three Hundred Twenty Seven Thousand Four Hundred Seventy Nine dollars ($1,327,479) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2011 and ending June 30, 2012:

OPERATING REVENUES

	2010/11 REVISED	2011/12 BUDGET
PRIOR YEAR BALANCE	$ 3,471,411	$ 1,217,579
INTEREST INCOME	109,900	109,900
TOTALS	**$ 3,581,311**	**$ 1,327,479**

OPERATING EXPENSES

	2010/11 REVISED	2011/12 BUDGET
TRANSFER TO CAPITAL PROJECT FUND	$ 2,363,732	$ 1,200,938
CURRENT YEAR BALANCE	1,217,579	126,541
TOTALS	**$ 3,581,311**	**$ 1,327,479**

The City Manager is hereby authorized, without further approval of the City Council, to make inter-departmental transfers of up to five percent of the amount hereinafter appropriated to any department except that the City Manager shall not make any transfers prohibited by City Procedure #F306 and/or #F306ADD.

LIBRARY GRANT FUND
CASH RECEIPTS/REVENUES AND BUDGET FOR 2011-2012

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

The amount hereinafter named aggregating Two Hundred Seventy Eight Thousand Eight Hundred Eighty Seven dollars ($278,887) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2011 and ending June 30, 2012:

OPERATING REVENUES

	2010/11 REVISED	2011/12 BUDGET
PRIOR YEAR BALANCE	$ 16,336	$ 16,336
STATE GRANT	247,801	259,801
FEDERAL GRANT	-	2,750
TOTALS	**$ 264,137**	**$ 278,887**

OPERATING EXPENSES

	2010/11 REVISED	2011/12 BUDGET
PROGRAM EXPENSES/SUPPLIES	$ 41,935	$ 41,935
BOOKS	107,216	119,216
AUDIO VISUAL SUPPLIES	55,000	55,000
TRAINING/CONF/FOOD/TRAV	5,000	5,000
CONTRACTUAL SERVICES	18,650	18,650
COMPUTER HARDWARE	20,000	20,000
SUBTOTAL EXPENSES STATE GRANTS	247,801	259,801
FEDERAL GRANTS		
PROGRAM EXPENSES/SUPPLIES	-	2,750
SUBTOTAL EXPENSES FEDERAL GRANTS	**-**	2,750
CURRENT YEAR BALANCE	16,336	16,336
TOTALS	**$ 264,137**	**$ 278,887**

The City Manager is hereby authorized, without further approval of the City Council, to make inter-departmental transfers of up to five percent of the amount hereinafter appropriated to any department except that the City Manager shall not make any transfers prohibited by City Procedure #F306 and/or #F306ADD.

BUSINESS IMPROVEMENT DISTRICT
ASSESSMENT (TAX) RATES FOR FISCAL YEAR 2011-2012

BID TAX REVENUE AND EXPENSES CHARGED AGAINST THIS REVENUE
ADMINISTERED THROUGH CITY OF DOVER ECONOMIC DEVELOPMENT

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

The amount hereinafter named aggregating Fifty One Thousand Eight Hundred Twenty One dollars ($51,821) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by the City of Dover Economic Development for the fiscal year beginning July 1, 2011 and ending June 30, 2012:

REVENUE	**PROPOSED**
TAX REVENUE	$ 51,821
EXPENSES	
PERSONNEL & ADMINISTRATION	$ 51,821

BUSINESS IMPROVEMENT DISTRICT - TAX CALCULATION SPREADSHEET
JULY 1, 2011 to JUNE 30, 2012

	ZONE 1	ZONE 2	ZONE 3	TOTAL
AGGREGATE ASSESEMENTS	$ 41,494,900	$ 58,427,900	$ 32,830,900	$ 132,753,700
ASSESSMENT TAX RATE PER $100	0.0634	0.0349	0.0156	-
REVENUE RAISED	$ 26,308	$ 20,391	$ 5,122	$ 51,821
% REVENUE RAISED	51%	39%	10%	100%
NUMBER OF PARCELS	117	105	42	264
AVERAGE ASSESSMENT	$ 225	$ 194	$ 122	$ 541

NOTE: This figures were estimated per the 2010 reassessed values. The revenue percentages by Zone are per the City of Dover Code Appendix D-Article III, Section 9 (e).

JULY 1, 2010 to JUNE 30, 2011

	ZONE 1	ZONE 2	ZONE 3	TOTAL
AGGREGATE ASSESEMENTS	$ 40,130,000	$ 61,079,800	$ 34,517,500	$ 135,727,300
ASSESSMENT TAX RATE PER $100	0.0634	0.0349	0.0156	-
REVENUE RAISED	$ 25,442	$ 21,317	$ 5,385	$ 52,144
% REVENUE RAISED	49%	41%	10%	100%
NUMBER OF PARCELS	116	105	43	264
AVERAGE ASSESSMENT	$ 219	$ 203	$ 125	$ 547

NOTE: This figures were estimated per the 2010 reassessed values. The revenue percentages by Zone are per the City of Dover Code Appendix D-Article III, Section 9 (e).

ADOPTED: *

Actions History:

June 27, 2011 - Council - Proposed Final Reading

June 13, 2011 - First Reading - Council