REGULAR COUNCIL MEETING

A G E N D A

January 24, 2011 - 7:30 P.M. - Council Chambers - City Hall - City of Dover

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

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

INVOCATION BY CHAPLAIN WALLACE DIXON

PLEDGE OF ALLEGIANCE LED BY COUNCILMAN McGLUMPHY

AGENDA ADDITIONS/DELETIONS

* **CONSENT AGENDA**

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

* 1. **Adoption of Minutes - Regular Council Meeting of January 10, 2011**

2. **Proclamation - Black History Month**

* 3. **Utility Committee Report - January 10, 2011**

A. **Proposed Ordinance #2011-01 - Amendment to Appendix B - Zoning, Article 5 - Supplementary Regulations, (New) Section 20 - Solar and Small Wind Energy Systems**

(Committee Deferred Until Meeting of January 24, 2011 to Allow Time for Staff to Address the Concerns Relayed)

B. **Annual Engineering Consultant's Report on the Operation and Maintenance of the Electric System - Fiscal Year 2010**

(Committee Deferred Until Meeting of January 24, 2011 Due to Time Constraints)

C. **Development Projects - Performance and Maintenance Bonding Concerns**

(Committee Recommended that Staff Provide the List of Development Projects to Members for Their Review and Prioritization to Be Considered by the Committee During Their next Meeting)

D. **Annualized Comparison of Utility Rates**

(Committee Deferred Until Meeting of January 24, 2011 Due to Time Constraints)

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

(Committee Deferred Until Meeting of January 24, 2011 Due to Time Constraints)

* **4. Legislative, Finance, and Administration Committee Report - January 10, 2011**

A. Review and Recommendation - Filling Critical Positions - Local Area Network (LAN) Analyst - Information Technologies Department

(Committee Recommended Approval of the Request to Recruit for a Local Area Network (LAN) Analyst for the Information Technologies Department)

B. Presentation - Public Financial Management - Final Results of 2010 Electric Revenue Bond Refunding (*Geoff Stewart*)

(Committee Recommended Acceptance of the Report on the Final Results of the 2010 Electric Revenue Bond Refunding Submitted by Public Financial Management)

C. Authorization to Purchase - Vehicle Computers/In-Car Camera Systems

(Committee Recommended Approval of Staff's Recommendation for the Expenditure of $72,416.10 to Purchase Vehicle Computers/In-Car Camera Systems)

D. Accounting Procedures for Federal Forfeiture Funds

(Committee Recommended Acceptance of the Accounting Procedures for the Federal Forfeiture Funds)

E. Proposed Ordinance #2010-01 - Chapter 102 – Taxation, Article I - In General, Section 102-1 - Annual Valuation and Assessment and Proposed Companion Ordinance #2011-02 - Chapter 102 - Taxation, Article IV - Abatement of Real Estate Taxes, (New) Section 102-117 - Construction of new facility *(On January 25, 2010, City Council Approved the Committee's Recommendation that the City Assessor's Office, the City Manager's Office, and the Real Estate Community Meet to Attain a Workable Solution Within 90 Days)* (See Items #10-A and #10-B)

(Committee Recommended Adoption of Proposed Ordinances #2010-01 and #2011-02)

* **5. Quarterly Revenue Report**

6. Proposed Resolution No. 2011-01 - Authorizing the Issuance and Sale of up to $765,060 Sewer Revenue Bonds of the City of Dover for the Construction of Certain Sewer Projects and Authorizing All Necessary Action in Connection Therewith

7. Labor Contract Settlement - IBEW Local 1238

8. Evaluation of Bids - Route 13 Sewer Interceptor Unit Cost True-up

* **9. Confirmation of Police Pension Election - Ret. Lt. Timothy P. Mullaney, Sr. - Three (3) Year Term to Expire January 31, 2014**

10. First Reading - Proposed Ordinances

The First Reading is offered on the following proposed ordinances. Final action by Council will take place during the Second Reading of the ordinances on February 14, 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. Ordinance #2010-01 - Chapter 102 – Taxation, Article I - In General, Section 102-1 - Annual Valuation and Assessment

(Legislative, Finance, and Administration Committee)

B. Ordinance #2011-02 - Chapter 102 - Taxation, Article IV - Abatement of Real Estate Taxes, (New) Section 102-117 - Construction of New Facility

(Legislative, Finance, and Administration Committee)

11. First Reading - Proposed Ordinance #2011-03 - 2011 Amendments to the 2008 Comprehensive Plan

It is recommended that a Public Hearing be scheduled before the Planning Commission on Tuesday, February 22, 2011 at 7:00 p.m. and that a Public Hearing before City Council be set for Monday, March 14, 2011 at 7:30 p.m. at which time the Second Reading and Final Action by Council will take place. Copies of the proposed ordinance are available at the entrance of Council Chambers or can be obtained from the City Clerk's Office.

A. Ordinance #2011-03 Amending the 2008 Comprehensive Plan by replacing Table 12-1: Land Use and Zoning Matrix and Map 12-1: Land Development Plan.

12. Rezoning Requests/First Readings

Recommended for referral to the Planning Commission on Tuesday, February 22, 2011 and that a Public Hearing before City Council be set for Monday, March 14, 2011 at 7:30 p.m.

A. Proposed Ordinance #2011-04 - Property located at Grove Street and Railroad Avenue, owned by College Road Management, Inc., Kent Storage Facilities, LLC, and Loralex Company, LLC, consisting of four (4) parcels totaling 30.78$^{+/-}$ acres. The property is currently zoned M (Manufacturing). The proposed zoning is RG-5 (General Residence Zone for Mid-Rise Apartments). The subject property is located north of College Road and east of the railroad corridor and Railroad Avenue.
(TAX PARCELS: ED05-067.00-02-53.00-000, ED05-067.00-02-54.00-000, ED05-067.00-02-55.00-000, AND ED05-067.00-02-56.00-000; FOURTH COUNCIL DISTRICT; PLANNING REFERENCE: Z-11-02)

B. Proposed Ordinance #2011-05 - Property located at 101-405 Doveview Drive (Doveview Apartments), owned by CRM Mid-Atlantic, LLC and SunTrust Bank, consisting of 6.735$^{+/-}$ acres. The property is currently zoned IO (Institutional and Office) and subject to COZ-1 (Corridor Overlay Zone). The proposed zoning is RG-5 (General Residence Zone for Mid-Rise Apartments) and subject to COZ-1 (Corridor Overlay Zone). The property is located on the north side of Forrest Avenue (Route 8) just west of the Saulsbury Road intersection.
(TAX PARCEL: ED05-076.07-01-30.00-000; FIRST COUNCIL DISTRICT; PLANNING REFERENCE: Z-11-03)

13. Council Members Announcements

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REGULAR COUNCIL MEETING

The Regular Council Meeting was held on January 10, 2011 at 7:30 p.m. with Council President Hogan presiding. Council members present were Mr. Bonar, Mr. Leary, Mr. McGiffin, Mr. Ruane, Mrs. Russell, Mr. Salters, and Mrs. Williams. Dr. McGlumphy was absent.

Council staff members present were Deputy Police Chief Bernat, Ms. Russell, Mrs. Townshend, Fire Chief Fortney, Mr. DePrima, 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 Hogan declared the Open Forum in session and reminded those present that Council was not in official session and could not take formal action.

Mr. Clay Hammond, 505 Troon Road (Delmarva Black Chamber of Commerce), reminded members that some time ago, he had relayed concerns that the City could be more actively promoting diversity in the City's contracting opportunities and, subsequently, had a very positive meeting with the City Manager on this topic. However, Mr. Hammond noted that at a recent pre-bid meeting for the new library project, the documents provided by EDiS contained no verbage that referenced the City's desire to increase diversity among suppliers. On behalf of the Delmarva Black Chamber of Commerce, Mr. Hammond relayed concerns that this omission may be problematic. Although he stated that an addendum to the documents is being provided, he felt that if diversity is a priority for the City, this information would have been included in the initial documents. Mr. Hammond suggested that the City be proactive by assuring that verbage relative to diversity is included in such documents in the future.

With reference to the Governor's Supply and Diversity Council, Mr. Hammond advised members that a final report has been completed and will be presented to the Governor. He suggested that the City review this report and consider recommendations to increase diversity in its supplier base.

In addition, Mr. Hammond announced that a Town Hall meeting will be held on Saturday, January 15, 2011 at Whatcoat United Methodist Church.

The invocation was given by Reverend Lyn Oglesby, United Universalists of Central Delaware, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

Mr. Leary moved for approval of the agenda as presented, seconded by Mr. Bonar and unanimously carried (Dr. McGlumphy absent).

Mr. Bonar moved for approval of the consent agenda, seconded by Mr. Salters and carried by a unanimous roll call vote (Dr. McGlumphy absent).

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF DECEMBER 13, 2010

The Minutes of the Regular Council Meeting of December 13, 2010 were unanimously approved by motion of Mr. Bonar, seconded by Mr. Salters, and bore the written approval of Mayor Carey.

PUBLIC HEARING/FINAL READING - PROPOSED ZONING TEXT AMENDMENTS - PROPOSED PLANNING COMMISSION AMENDMENT #1 TO PROPOSED ORDINANCE #2010-28 - AMENDMENTS TO APPENDIX B - ZONING, ARTICLE 3 - DISTRICT REGULATIONS, SECTION 14 - LIMITED CENTRAL COMMERCIAL ZONE (C-2A) AND SECTION 30 - RECREATIONAL AND OPEN SPACE ZONE (ROS)

Mrs. Ann Marie Townshend, Director of Planning and Community Development, presented Planning Commission Amendment #1 to Proposed Ordinance #2010-28, amending Article 3 - District Regulations, Section 30 - Recreational and Open Space Zone (ROS) of the Zoning Code. The proposed amendment would exempt interment structures in cemeteries from the 30-foot setback requirement from property lines, unless the property line abuts a residential use or if the structure would obstruct visibility at a street intersection.

Mrs. Williams moved that the Final Reading of the proposed zoning text amendment be acknowledged by title only, seconded by Mr. Leary and unanimously carried.

Mrs. Townshend reviewed Planning Commission Amendment #1 to Ordinance #2010-28 and advised members that the Planning Commission recommended its approval.

In response to Mr. Ruane, Mrs. Townshend assured members that owners of individual properties will still be required to make some provision for parking or provide cash-in-lieu unless the Code is changed in this regard. She advised members that the Downtown Dover Partnership (DDP) will consider modifying the parking requirements to encourage cash-in-lieu rather than site-by-site parking.

Mr. Ruane questioned if spaces in a regional parking garage could be used to meet the parking requirements for more than one (1) structure. Responding, Mrs. Townshend stated that such details would be considered when the parking requirements are reviewed for amendments. She noted that the proposed amendment would allow for the placement of a parking lot as a principal use on a piece of land. Mr. Ruane requested that his concerns be considered when further parking requirement amendments are considered.

Mr. Salters moved for approval of Planning Commission Amendment #1 to Ordinance #2010-28 (*Exhibit #1*), seconded by Mr. Leary and carried by a roll call vote of seven (7) yes, one (1) no (Mrs. Russell), and one (1) absent (Dr. McGlumphy).

A public hearing was duly advertised for this time and place to consider approval of proposed zoning text amendments to Appendix B - Zoning, Article 3 - District Regulations, Section 14 - Limited Central Commercial Zone (C-2A) and Section 30 - Recreational and Open Space Zone (ROS) of the Zoning Code (Ordinance #2010-28 with Planning Commission Amendment #1). The proposed ordinance would clarify existing uses in two (2) zones by adding parking lots as a principal use allowed through conditional use approval within the C-2A (Limited Central Commercial) zoning district, and by adding cemeteries as a permitted use within the ROS (Recreational and Open Space) zone. In addition, the proposed amendment would exempt interment structures in cemeteries from the 30-foot setback requirement from property lines, unless the property line abuts a residential use or if the structure would obstruct visibility at a street intersection.

Mrs. Williams moved that the Final Reading of Proposed Ordinance #2010-28, as amended, be acknowledged by title only, seconded by Mr. Leary and unanimously carried. *(The First Reading of this Ordinance was accomplished during the Council Meeting of November 22, 2010.)*

Mrs. Townshend reviewed the proposed amendments and advised members that the Planning Commission recommended approval of Ordinance #2010-28 with Planning Commission Amendment #1.

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

Mr. McGiffin noted that the original language in the first sentence of the Proposed Ordinance refers to "lot line" and that the proposed amendment, on Line #11, refers to "property line." Responding, Mrs. Townshend indicated that, for consistency, the wording should be "lot line."

Mr. Salters moved to remove the word "property" in Line #11 and replace it with "lot," seconded by Mr. McGiffin and unanimously carried.

Mr. McGiffin moved for the adoption of Ordinance #2010-28, as amended by Planning Commission Amendment #1, and further amended to replace the word "property" in Line #11 with "lot" (*Exhibit #2*). The motion was seconded by Mr. Bonar and carried by a roll call vote of seven (7) yes, one (1) no (Mrs. Russell), and one (1) absent (Dr. McGlumphy).

PUBLIC HEARING/FINAL READING - PROPOSED ZONING TEXT AMENDMENTS - PROPOSED ORDINANCE #2010-29 - APPENDIX B - ZONING, ARTICLE 3 - DISTRICT REGULATIONS, SECTION 8 - MOBILE HOME PARK ZONE (MHP)

A public hearing was duly advertised for this time and place to consider approval of Proposed Ordinance #2010-29, amending Appendix B - Zoning, Article 3 - District Regulations, Section 8 - Mobile Home Park Zone (MHP) of the Zoning Code. The proposed amendments would require that, in mobile home parks with private streets, the owner ensures that access to streets, driveways, and mailboxes is provided without obstruction.

Mrs. Williams moved that the Final Reading of Proposed Ordinance #2010-29 be acknowledged by title only, seconded by Mr. Leary and unanimously carried. *(The First Reading of the ordinance was accomplished during the Council Meeting of November 22, 2010.)*

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed the proposed amendments and advised members that the Planning Commission recommended approval.

Council President Hogan noted that correspondence was received from Mr. Fred Neil, President of Wild Meadows Homeowners Association, in favor of the Proposed Ordinance, and Mr. and Mrs. Charles Faubel in opposition to the Proposed Ordinance (***Exhibit #3***).

Council President Hogan declared the hearing open.

Mr. Fred Neil, 521 Weaver Drive, President of Wild Meadows Homeowners Association, advised members that, unless the lease states otherwise, the State of Delaware allows manufactured home communities located on leased lands, such as Wild Meadows, to raise rents (without limit) once a year. He reviewed the evidence and fact sheet provided to members, noting the many problems that residents of the Wild Meadows development have experienced with snow removal. He encouraged members to approve the proposed text amendments.

Ms. Agnes Robinson, 56 Molly Court in Wild Meadows, advised members that last year, she and her husband cleared their driveway completely and, moments later, the management plowed their driveway back in at a depth of 26½ inches. She explained that the community consists of senior citizens with health problems who have difficulty removing snow. She relayed support for the proposed text amendments.

Mrs. Donna Faubel, 123 Chelsea Way, indicated her opposition to the proposed text amendments. She explained that, during a blizzard in 2010, her husband, a plumber at Bayhealth Medical Center, was called to work to perform snow removal for a period of time that exceeded 70 hours. Mrs. Faulbel explained that when her husband returned home, he found that over two (2) feet of ice and snow had been deposited at the end of their cleared driveway by City plows that passed through the area. She stated that it took in excess of 3½ hours to clear an area of the driveway that was large enough to enter. Mrs. Faubel stated that if the City is going to give to a community the privilege of clearing snow in a fashion that is not in their written and signed documents, such a privilege should be given to all citizens of Dover.

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

By motion of Mr. McGiffin, seconded by Mr. Bonar, and by a unanimous roll call vote (Dr. McGlumphy absent), Council adopted Ordinance #2010-29, as follows:

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

That Appendix B - Zoning, Article 3 - District Regulations, Section 8 - Mobile Home Park Zone (MHP), be amended by renumbering Section 8.17 as 8.18 and inserting a new Section 8.17 - Maintenance of Private Streets, to read as follows:

Section 8. Mobile home park zone (MHP).

8.17 *Maintenance of Private Streets.* In mobile home parks with private streets, such streets, driveway access to such streets, access to fire hydrants, and access to central mailboxes shall be maintained by the mobile home park so as to be clear of obstructions including, but not limited to, potholes, snow piles, and debris.

8.18 Signs shall meet the regulations found in article 5, section 4, supplementary sign regulations.

ADOPTED: JANUARY 10, 2011

PUBLIC HEARING - BOARD OF ASSESSMENT APPEALS EXEMPTION REPORT - DECEMBER 1, 2010

The Board of Assessment Appeals Exemption Report of December 1, 2010 was provided to members for their consideration.

By consent agenda, Mr. Bonar moved for approval of the recommendations of the Board of Assessment Appeals as provided in the Exemption Report of December 1, 2010 (*Exhibit #4*). The motion was seconded by Mr. Salters and carried by a unanimous roll call vote (Dr. McGlumphy absent).

Council President Hogan announced that since City Council approved the Board of Assessment Appeals' recommendations for approval of the requests for exemptions, a public hearing is not necessary.

JOINT LEGISLATIVE, FINANCE, AND ADMINISTRATION AND SAFETY ADVISORY AND TRANSPORTATION COMMITTEE REPORT - DECEMBER 6, 2010

A Joint Legislative, Finance, and Administration and Safety Advisory and Transportation Committee Meeting was held on December 6, 2010 with Chairman Leary presiding.

Presentation by Police Chief James Hosfelt - Deployment of Current Manpower

Police Chief James Hosfelt introduced Captain Steve Getek, Administrative Division Commander, and reviewed a Power Point Presentation of the City of Dover Police Deployment of Current Manpower as of October 2010. He stated that Council approved filling one (1) of the four (4) existing vacancies and that the candidate selected is awaiting attendance at the Police Academy. He noted that a request will be submitted to the Legislative, Finance, and Administration Committee on December 13, 2010 to fill another position due to the resignation of an officer. Once these positions are filled, there will be 91 officers on the force.

Police Chief Hosfelt advised members that officers in a platoon work 12 hour shifts (7:00 a.m. to 7:00 p.m. and 7:00 p.m. to 7:00 a.m.) three (3) to four (4) days in a row. In reviewing accomplishments, he noted that although there has been a 17% increase in burglaries, Dover's clearance rate is 68%, which is three (3) times the national average. Chief Hosfelt also noted a 27% reduction in robberies through October and stated that the City's clearance rate for robberies is 78% (three (3) times the national average); however, he cautioned members that this number may increase during the upcoming holiday season. He indicated that rapes have declined by 13.5%, with a clearance rate of 97%. Chief Hosfelt stated that there has been a 25.5% decrease in drug arrests and attributed this to the fact that the City's drug unit has only five (5) members. He explained that the Police Department has worked with the Drug Enforcement Administration on two (2) major cases which required wire taps. Chief Hosfelt advised members that wire taps are federally funded at a cost of $250,000 per occurrence and the Dover Police Department must provide manpower to staff

these events. Each wire tap requires the entire drug unit to be committed for a six (6) week period. Since there were two (2) cases, officers were pulled for 12 weeks, which detracted from their productivity. Chief Hosfelt reminded members that 80% of the proceeds seized from drug dealers returns to local law enforcement; however, he indicated that there are restrictions regarding the use of these funds.

Police Chief Hosfelt also noted that there are additional requirements that remove officers from their duties, such as training required by the Delaware Council on Police Training, accreditation, and the need for specialized training.

Chief Hosfelt advised members that the Police Department uses the "Bartell formula" to guide personnel allocation. He explained that a nationally recognized standard recommends that a minimum of 50% of staff time be allotted as unassigned time to permit law enforcement officers to respond to requests for service. He explained that only 29.21% of City of Dover patrol units' time is currently unassigned.

Discussion - Police Staffing Needs and Associated Costs

In reviewing the payroll costs for police officers, Police Chief James Hosfelt stated that the total cost for 10 officers for the remainder of the fiscal year, from February through June, would be $327,153.85. He reminded members that when preparing the budget, funds were included to cover terminal leave for possible retirements. He advised members that the Police Department does not have any officers planning to retire; therefore, the $327,153.85 is available in the Department's budget.

Chief Hosfelt stated that there are five (5) police agencies in the State of Delaware that run police academies. He noted that after being hired, officers are required to attend an academy in order to obtain certification. Although the City is capable of administering a police academy, costs are prohibitive; therefore, the Dover Police Department typically sends officers to other academies (Delaware State Police, New Castle County Police, or Wilmington Police). Chief Hosfelt stated that the earliest an academy would be offered would be in mid-February 2011, noting the possibility that this may not occur until mid-April. He advised members that the police academy involves 20 weeks of training, followed by 12 weeks of field training; therefore, a total of eight (8) months of training is required before an officer can be assigned a vehicle and begin working for the Police Department.

Responding to Mr. Leary, Chief Hosfelt stated that academy training may not be required if an officer who was laid off by another jurisdiction is hired; however, the individual would be required to meet the Dover Police Department's hiring standards. He stated that Dover has a list of potential officers that contains some certified officers who would require a shorter training period.

In response to Mr. Ruane, Chief Hosfelt stated that it was suggested in 2002 that a workload assessment be conducted utilizing the "Bartell formula" but that this was not an accreditation standard. Captain Steve Getek, Administrative Division Commander, further explained that the "Bartell formula" assists in determining the appropriate number of police officers. He stated that the formula indicates that an additional 32 patrol officers would be necessary in order to obtain 50-55% unobligated time. Captain Getek read an Excerpt from the Dover Police Department Workload Assessment Report for 2007 and 2008 (*attachment #1 to the committee minutes*) to clarify how these conclusions were arrived at.

Mr. Bonar noted that members of Council must make a difficult decision regarding the hiring of additional police officers to provide much needed safety for the citizens of Dover and stated his willingness to take leadership in this regard.

Mr. Anthony DePrima, City Manager, reviewed the tables provided to members regarding details of the Dover Police Department's staffing levels over the past 10 years. He noted that in 2009, the Police Department had an authorized strength of 93 officers and, although current approved staffing is 91 officers, since one (1) officer recently resigned and two (2) recent hires are scheduled to enter the next police academy, actual manpower at this time is 88.

Responding to Mr. DePrima, Chief Hosfelt indicated that an authorized strength of 93 officers would allow for the number of officers for the community policing, quality of life, and drug units to be restored to the levels maintained in 2009. However, he stated a need for three (3) additional community policing officers (for a total of five (5) officers with this designation) and additional officers for patrol units (to provide a total of 13 officers for each unit). Chief Hosfelt noted that a total of six (6) additional officers was being requested at this time.

At the request of Mr. Ruane, Chief Hosfelt stated that he could obtain information regarding the national ratio requirement for the number of police officers per 1,000 residents.

Mr. Bonar requested that staff determine the amount of increased revenues necessary to accommodate the additional officers requested by Chief Hosfelt and provide the information to members as soon as possible.

In response to Mr. DePrima, Chief Hosfelt assured members that if the patrol units were increased to 13 officers each, there would not be a need for additional vehicles.

Scheduling of Next Meeting

Mr. Leary reminded members that during their meeting of November 15, 2010, Mr. Clay Hammond, Chairman of the Delmarva Black Chamber of Commerce and Vice President of Business Development, Global Diversity Group, announced that a group of concerned citizens were planning a town hall meeting on Saturday, December 11, 2010 from 2:00 - 4:00 p.m. to consider the actions that could be taken to improve safety for children in the City. He requested that the City Clerk's Office and/or Police Department confirm the meeting, obtain its location, and advise members accordingly.

There being no objections, Mr. Leary requested that staff schedule the next Joint Committee meeting following the town hall meeting and that members be notified as usual.

Public Comment Period (15 Minutes)

Pastor Howard Earle, 224 Bradley Road, stated that he was made aware of gang problems in the City approximately two (2) years ago. He indicated that he has spoken with other communities facing similar issues and indicated the necessity of dealing with such problems immediately. Pastor Earle advised members that approximately three (3) months ago, a drive-by shooting occurred near his residence which resulted in his increased awareness of the problem. He reminded members that the decisions of Council in this regard could save lives.

Mayor Carey advised members that the Mayor's Office is sympathetic to the needs of the Police Department and supports the Police Chief's request for additional officers.

Mrs. Williams requested that members support the Police Department in their efforts to address these concerns before they spread and advocated putting the resources needed to get the job done in the hands of trained professionals.

By consent agenda, Mr. Bonar moved for acceptance of the Joint Legislative, Finance, and Administration and Safety Advisory and Transportation Committee Report. The motion was seconded by Mr. Salters and carried by a unanimous roll call vote (Dr. McGlumphy absent).

UTILITY COMMITTEE REPORT - DECEMBER 13, 2010

The Utility Committee met on December 13, 2010 with Chairman Ruane presiding.

Dedication of Rights-of-Way and Public Infrastructure - Stoney Creek (Phases II & III)

The developer of the Stoney Creek Subdivision (Phases II & III), Bay Developers, Inc., requested that all rights-of-way, public open space, and public infrastructure improvements related to this subdivision be dedicated to the City of Dover for permanent ownership and maintenance. Members were provided a list of all public improvements associated with this subdivision, as well as a map showing the general location and configuration of the subject rights-of-way. After construction was completed, City staff inspected the public improvements and provided the developer with a list of repairs to be made to meet City of Dover Standards and Specifications for Public Works Construction. All work has now 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 a part of the dedication process. In addition, as-built drawings were submitted to the Public Services Department for their permanent records.

Staff recommended acceptance of the dedication of rights-of-way public infrastructure for the Stoney Creek Subdivision (Phases II & III), to include all referenced public improvements, as detailed on the List of all Public Improvements provided to members.

Mr. Scott Koenig, Public Services Manager/Director of Public Works, advised members that the total construction value of the improvements is $1,548,000.

The Committee recommended approval of staff's recommendation for the acceptance of dedication of rights-of-way and public infrastructure for the Stoney Creek Subdivision (Phases II & III) to include all of the referenced public improvements, as detailed on the List of all Public Improvements (*Attachment #1 to the Committee minutes*).

Mr. Ruane thanked Mr. Koenig, Mr. Lunt, and all City staff who participated in the South Governors Avenue Project for the hard work and effort involved in helping to bring the project to completion.

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

Review of Utility Related CIP's (Electric and Water/Wastewater) *(October)*
Members were provided the Utility-Related (Electric and Water/Wastewater) Capital Investment Plan (CIP) Project Tracking Report for October 2010.

In response to Mr. Ruane, Mr. Anthony DePrima, City Manager, advised members that all of the CIP projects (with the exception of new projects) are included in the PACE/NAES Report. He indicated that the PACE/NAES Report is provided by Mr. Vince Scire, Plant Manager, and is utilized to update the comments and status information provided on the CIP Report. In reference to the Unit 3 Cooling Tower Project (noted on Page 36 of the PACE/NAES Report and Page 5 of the CIP Report), Mr. DePrima noted that this project is complete and Unit 3 and the Cooling Tower are back in service. He stated that the October PACE/NAES Report does not reflect completion of the project; however, it is reflected on the CIP report.

Mr. DePrima reminded members that the status and comments provided on the CIP Report are more current than the dollar amounts, since his practice is to update comments after the end of the month. He assured members that there are no projects that require the Committee's attention at this time.

In response to Mr. Bonar, Mr. DePrima explained that Hazel Road has been completed, although the final blacktop coat has not been laid. He stated that he would provide details regarding the expected completion of the blacktop. Responding to Mr. McGiffin, Mr. DePrima stated that parking restrictions will resume on Hazel Road and residents have been notified of the completion of the project.

Mr. Ruane requested that staff provide a more detailed list of water quality projects in the next report.

The Committee recommended acceptance of the Utility Related CIP's (Electric and Water/Wastewater) Report.

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

PACE/NAES Monthly Report *(October 2010)*
The PACE/NAES Monthly Report for October 2010 was provided to members to enable them to monitor electric sales and revenues received, which will provide a better understanding of any fluctuations that occur and allow the opportunity to make improvements if deemed necessary.

At the request of Mr. Ruane, Mr. Anthony DePrima, City Manager, advised members that the contract between the City of Dover and PACE/NAES will soon expire. *(City Clerk's Office Note: The City's current contract with PACE/NAES will expire on June 30, 2011.)* Although the City has a good relationship with PACE/NAES, Mr. DePrima explained the importance of keeping this service competitive. He stated that bids have been solicited through the City's Utility Attorney, Mr. Kirk Betts, for the services currently being provided by PACE/NAES. Mr. DePrima noted that several bids were submitted and will be reviewed and presented to the Committee and Council for consideration and final approval in March 2011.

Mr. Ruane commended staff for taking a proactive approach in this matter.

The Committee recommended acceptance of the PACE/NAES Monthly Report for October 2010.

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

Update - Green Energy Funding and Programming

Mr. Ron Lunt, Public Utilities Director, provided and reviewed a corrected Green Energy Funding and Programming Update - Stimulus Funding (*Attachment #2 to Committee minutes*). He advised members that he was recently made aware of significant revisions the State has made regarding the limits and the structure of the program. Mr. Lunt indicated that the State will change from a dollar-based grant program to a kW-based program and that this change will have little financial effect on the City. Once further information regarding the change is received, he assured members that this information will be provided.

Responding to Mr. Ruane, Mr. Anthony DePrima, City Manager, stated that, to his knowledge, the Sustainable Energy Utility (SEU) does not provide grants to municipalities, although a loan program is available. He indicated that the SEU has programs targeted to individuals, for example, a program for homeowners to apply for lighting rebates. Mr. DePrima noted that a link to the SEU's website is available on the City's website and that the City and the SEU continue to pursue the concept of performance energy contracting.

Mr. Bonar encouraged direct communication with the SEU when possible, explaining his understanding that the SEU has experienced challenges in organizing their program, disbursing funds, etc.

The Committee recommended acceptance of the Update on Green Energy Funding and Programming.

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

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

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - DECEMBER 13, 2010

The Legislative, Finance, and Administration Committee met on December 13, 2010 with Chairman Leary presiding.

Review and Recommendation - Filling of Critical Positions

During their meeting of February 23, 2009, members recommended approval of a Hiring Freeze for Fiscal Year 2008-2009, but to allow the hiring of critical positions through the review and approval of the Legislative, Finance, and Administration Committee and City Council. It was suggested that there be a "standing" agenda item to consider the filling of critical positions and, if there were no positions to consider, the item could be removed.

Permission to Recruit - Police Officer

Police Chief James Hosfelt reviewed a request to recruit for a Police Officer. He noted that this vacancy was created due to the recent resignation of a Police Officer.

The Committee recommended approval of the request to recruit for a Police Officer, as recommended by staff.

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

Permission to Recruit - Public Utilities Operations/Construction Manager

Mr. Ron Lunt, Public Utilities Director, reviewed a request to recruit for a Public Utilities Operations/Construction Manager in the Public Utilities Department and advised members that the previous employee in this position retired last spring. He explained that staff attempted to continue working without filling the position; however, this proved challenging. Mr. Lunt stated that there are no current employees, particularly in the Water/Wastewater Division, who have the managerial experience necessary to keep projects moving forward. Although another employee (an engineer) attempted to assume these responsibilities, Mr. Lunt stated that the work is outside of his skill set. In addition, he noted that this individual has received a letter of deployment for May 2011 and will be stationed overseas for approximately one (1) year.

The Committee recommended approval of the request to recruit for a Public Utilities Operations/Construction Manager, as recommended by staff.

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

Permission to Recruit - Electric Ground Worker

Mr. Ron Lunt, Public Utilities Director, reviewed a request to recruit for an Electric Ground Worker in the Transmission and Distribution (T&D) Division of the Public Utilities Department. He stated that a vacancy was created when an Electric Ground Worker was transferred to the Public Services Department.

The Committee recommended approval of the request to recruit for an Electric Ground Worker, as recommended by staff.

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

Draft Comprehensive Annual Financial Report (CAFR)

Mrs. Donna Mitchell, Controller/Treasurer, reviewed the draft Comprehensive Annual Financial Report (CAFR) for the fiscal year ending June 30, 2010, which was also provided to the City's audit firm, Faw, Casson, & Company, LLC. She reviewed the comments received from the City's auditors regarding their preliminary notification of internal control issues observed during their audit.

Dr. Jones suggested that staff inform all employees of the new requirements regarding the deadline for submission of retirement paperwork, relaying concerns that information is not always disseminated from department heads.

Mrs. Mitchell provided a broad overview of the CAFR and an explanation of major highlights.

Mr. Ruane noted that Page 3 references population estimates from the Delaware Population Consortium, as well as the 2000 U.S. Decennial Census, and that Page 139 references only the 2000 Census. If possible, he suggested that staff consider utilizing the Delaware Population Consortium data to better reflect the real population of the City. He noted that the use of the Census data skews the ratio of the net bonded debt to the City's population.

Referring to Page 132, Mr. Ruane suggested that staff include 2010 property tax rates.

Responding to Mr. Ruane, Mrs. Mitchell noted that the City's outstanding debt will be reduced by approximately $80,000 by 2015 and that, as of 2017, the City's current outstanding indebtedness for the General Obligation (GO) Bonds will be completely paid (as indicated on Page 68). She stated that this is the only debt service the General Fund has at this time. Furthermore, Mrs. Mitchell indicated that, although a comparison to other governments has not been performed, the City's debt service is low.

Mrs. Mitchell stated that the final CAFR must be submitted to the Government Finance Officers Association (GFOA) by December 31, 2010 and that Council will receive a final copy in January 2011.

The Committee recommended acceptance of the Draft Comprehensive Annual Financial Report (CAFR).

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

Review of Council Memberships

Members were advised that certain memberships are included in Council's budget and that, once these memberships are approved through the budget process, payments are processed as renewals are submitted. Since these expenses are reflected in Council's budget, it was suggested that the expenditures for continued membership be reviewed and approved.

For Fiscal Year 2010/2011, City Council's budget included $12,198 for subscriptions and dues. This amount is based on the previous year's costs or, when provided, a cost adjustment. The specific membership dues for this Fiscal Year are as follows:

League of Local Governments - Annual Membership Renewal	-	$ 6,000
National League of Cities - Annual Membership Renewal	-	3,258
Delaware State Chamber of Commerce	-	856
Central Delaware Chamber of Commerce	-	875
Miscellaneous (Magazine Subscriptions, etc.)	-	200
Total		$11,198

Mr. McGiffin advised members that overtly political communications are sometimes received during the budget preparation and election "seasons" and relayed his concerns regarding the utilization of tax dollars for membership dues to organizations that engage in political activity. He suggested that members be thoughtful and deliberative in determining which organizations Council will join, particularly when tax dollars are used to pay dues. Mr. McGiffin recommended that Council not pay membership dues to the Delaware State Chamber of Commerce (DSCC) and the Central Delaware Chamber of Commerce (CDCC) due to his feeling that these organizations are increasingly involved in political activities. He suggested the possibility of Council resigning immediately from these organizations and requesting a pro rata refund of dues already paid.

Mr. Ruane referred to relevant emails and other notices provided to members (*Attachment #1 to Committee minutes*) and indicated his concurrence with Mr. McGiffin's concerns. He stated that City funds should be used only for those memberships that are truly beneficial to the advancement of the causes for which the City and its government were established to accomplish.

Mr. Bonar reminded members that the City has a long history of involvement and participation with the CDCC and local Chambers of Commerce at a variety of levels. He noted that the late Mayor Crawford Carroll was one of the main proponents of City and Chamber interaction. Due to the associations developed between the members of the Chambers, City Council, and City government, many business activities have transpired in the City which have been beneficial to the City's tax base and citizens. It was Mr. Bonar's hope that the City would continue to maintain membership with these organizations so that integral resources can be developed and interactions can be fostered between City government and the business community. However, he recommended that the City remind the Chambers that the City's participation is voluntary and that the City does not condone involvement in political activities.

Council President Hogan relayed his concerns with the emails sent which encourage individuals to express their disagreements with the City. It was his opinion that these organizations were actively recruiting and working against the City of Dover. He stated his opposition to paying tax dollars to organizations that are working against the City in this manner.

Mr. Leary voiced his support of the organizations and the benefits of membership. He suggested that members continue to authorize the City Clerk to include these memberships dues in the upcoming proposed budget, which would allow members the opportunity for further review during the budget process. In the meantime, he suggested that an outreach effort be made to resolve any problems the City may have with the organizations involved.

Responding to Mr. McGiffin, Mr. DePrima advised members of the benefits offered by the CDCC, such as leadership programs, the Mayor's attendance at Board Meetings, etc. He was not aware that the City was a member of the State's Chamber of Commerce. Mr. DePrima stated that the Delaware League of Local Governments (DLLG) provides a variety of services to members, including educational and other information, lobbying, monthly educational meetings, etc. He was not aware of any local issues involving the National League of Cities (NLC); however, it was noted that some members of Council attend the NLC annual convention.

In response to Mr. Bonar, Mr. DePrima stated his feeling that there was not much collaboration from the CDCC during the budget hearings; however, he advised members that the Chamber offered to meet with City staff to assist in budget development. He stated that a meeting was held with the Executive Director and President to determine how the City could allow for better public participation through the budget process. As a result, the Chamber will create an expert advisory committee that will work with City staff in the preparation of the City's budget.

Dr. Jones suggested the possibility of staff contacting representatives of the CDCC to voice the concerns of the City prior to severing the relationship. Responding, Mr. DePrima stated that when he met with the CDCC Executive Director and President, he mentioned that there were concerns and assured them that they would have an opportunity to address members; however, since he was not aware that this matter was scheduled for this meeting, they were not contacted nor invited to provide input.

Dr. Joel Halpern, member of the CDCC, advised members of the many benefits provided by the organization, which serves as a voice for businesses and is instrumental in bringing businesses to the community.

Mayor Carey felt it important for the City to continue memberships with these organizations and mentioned some of the various benefits provided to the City in this regard, noting that the City receives information regarding current issues.

The Committee recommended that the matter be tabled to allow the opportunity for the Central Delaware Chamber of Commerce (CDCC) and other organizations to address members regarding the benefits of membership.

Mr. Leary requested that staff reach out to the organizations involved and provide them the opportunity to address members to explain the benefits of memberships.

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

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

MONTHLY REPORTS - NOVEMBER 2010

By motion of Mr. Bonar, seconded by Mr. Salters, 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

MONTHLY CAPITAL INVESTMENT PLAN (CIP) REPORT - NOVEMBER 2010

By consent agenda, Mr. Bonar moved for acceptance of the Monthly CIP Report for November 2010, seconded by Mr. Salters, and carried by a unanimous roll call vote (Dr. McGlumphy absent).

EVALUATION OF BIDS - TRANSMISSION RELAY AND COORDINATION CONTRACT

Members were advised that the Electric Engineering Division of the Public Utilities Department solicited a Request for Qualifications/Request for Proposals for a Transmission and Coordination Contract. Mr. Anthony DePrima, City Manager, advised members that the City has historically experienced unnecessary transmission line outages as a result of problems related to the transmission line protection system. He explained that this project will systematically examine the entire transmission protection system, including evaluating all current relay settings, ensuring proper relay coordination, and confirming/testing all existing wiring/components to ensure proper operation. Mr. DePrima noted that the field investigation will involve testing CT ratios, equipment inputs, wiring, and trip scheme and the relay coordination study portion of the project will analyze the trip schemes to ensure that the outage is limited to the line section that is experiencing the fault.

Mr. DePrima explained that, after analyzing the proposals submitted, staff determined that TRC, Inc. was the most qualified and economical candidate for the project. He noted that TRC, Inc. submitted an hourly rate of $135 for relay/control drawing review and an hourly rate of $135 for field investigation. Mr. DePrima reminded members that in September 2010, Council approved the purchase of ETAP Software for $56,252. He indiciated that, with a total of $500,000 budgeted, there is a remaining balance of $443,748; therefore, approval of the contract would be for an amount not to exceed $443,748.

Mr. DePrima noted that the City will require TRC, Inc. to use ETAP to examine/evaluate the relay settings, coordination, and other aspects of the existing protection scheme. He indicated that the ETAP software enables City staff to build a distribution model to add to this "corrected" transmission model. Mr. DePrima stated that, consequently, City staff will be able to conduct system studies, modify/install the correct relay settings in the substations, and modify/install the correct fuse size in the distribution protection/isolation system to ensure maximum customer reliability.

Staff recommended awarding the contract to TRC, Inc., under the terms of their proposal.

Mr. Ruane moved for approval of staff's recommendation to award the contract for Transmission Relay and Coordination to TRC, Inc., under the terms of their proposal. The motion was seconded by Mr. Salters and carried by a unanimous roll call vote (Dr. McGlumphy absent).

ADVANTECH CONTRACT AUTHORIZATION - DOWNTOWN SURVEILLANCE CAMERA PLACEMENT PHASE 2

Mr. Anthony DePrima, City Manager, reminded members that a plan was developed to place surveillance cameras in key locations in an effort to improve safety in the downtown area. He explained that the first phase of the project was funded last fiscal year through the City of Dover and the Downtown Dover Partnership (DDP) and that, in 2010, six (6) cameras were placed at locations selected by the DDP Parking Committee in cooperation with the Dover Police Department.

Members reviewed a map depicting the locations of these cameras (noted in yellow). Mr. DePrima noted that the video is digitally recorded and monitored at the Dover Police Station.

Mr. DePrima stated that staff is proposing the installation of four (4) additional cameras and noted that the locations of these cameras was depicted on the map provided (noted in red). He stated that the City contracted with Advantech for the first phase of the project, their work was found to be satisfactory in the past, and they have been very responsive to the City's needs. Staff recommended that Advantech continue with the second phase of the contract as a sole source vendor so that all the camera technology and networks would be fully integrated.

Staff recommended that the Mayor be authorized to sign a contract with Advantech in the amount of $31,500 for the installation of four (4) additional surveillance cameras.

Mr. Salters requested that, in addition to locating cameras at either Reed and New Streets or Reed and Queen Streets, as mentioned by Mayor Carey, the Police Chief consider the area of North New Street at Fulton Street.

Noting that cameras have been in operation since 2010, Mr. Ruane questioned if there has been any data collected in terms of results. Responding, Mayor Carey stated that there was an incident involving damages to a parked vehicle and that the cameras provided details regarding the vehicle that caused the damage, which resulted in an arrest.

In response to Mr. Ruane, Deputy Police Chief Bernat indicated that the archives are accessible only to the Police Department.

Mr. Salters moved for approval of staff's recommendation that the Mayor be authorized to sign a contract with Advantech, in the amount of $31,500, for the installation of four (4) additional surveillance cameras, seconded by Mr. Bonar and carried by a unanimous roll call vote (Dr. McGlumphy absent).

Mr. Bonar requested that the Police Department begin developing documentation regarding the benefits that have been provided by the cameras.

APPOINTMENT RECOMMENDED BY MAYOR CARLETON E. CAREY, SR. - DOVER HUMAN RELATIONS COMMISSION - G. THOMAS STEELE (TO FILL THE UNEXPIRED TERM OF ANLEE BACCIO-WALKER - TERM TO EXPIRE FEBRUARY 2012)

Mayor Carleton E. Carey, Sr., recommended the appointment of Mr. G. Thomas Steele to serve on the Dover Human Relations Commission for a term to expire February 2012 (to fill the unexpired term of Anlee Baccio-Walker).

By consent agenda, Mr. Bonar moved for approval of the appointment of Mr. G. Thomas Steele to serve on the Dover Human Relations Commission, as recommended by Mayor Carey. The motion was seconded by Mr. Salters and carried by a unanimous roll call vote (Dr. McGlumphy absent).

FINAL READING - PROPOSED ORDINANCE

The First Reading of the following proposed ordinance was accomplished during the Council Meeting of December 13, 2010.

Proposed Ordinance #2010-30 - Budget Amendments

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

Mr. Ruane explained his opposition to the budget amendment, citing Page 6, Line 197, Prior Year Balance. He noted that, if adopted, the Ordinance will allocate $1,451,589 for no critical purpose except to increase the prior year's balance, which already meets the policy standard. He indicated that he considered this a missed opportunity to return a refund to the rate payers in the form of a power cost adjustment.

Mr. Leary moved for adoption of Ordinance #2010-30 (*Exhibit #5*), seconded by Mr. McGiffin and carried by a roll call vote of seven (7) yes, one (1) no (Mr. Ruane), and one (1) absent (Dr. McGlumphy).

COUNCIL MEMBERS ANNOUNCEMENTS

Mr. McGiffin reminded members to mark their calendars for June 25, 2011 for the next African American Festival.

Mr. Salters announced that a meeting will be held on January 20, 2011 at 7:00 p.m. at the Kirkwood Community Center, 54 S. Kirkwood Street, to discuss issues pertaining to safety and concerns regarding the City's youth. He encouraged all to attend.

Mr. Ruane noted that there was a recent fire near his residence and that the response from the Fire and Police Departments was prompt. He commended both departments and relayed his appreciation for their response.

Mr. DePrima advised members of the possibility of a snow storm beginning Tuesday evening, January 11, 2011. He reminded everyone to move cars that are parked on snow routes and urged everyone to attempt to move cars off the streets throughout the City.

Mr. Bonar noted that there is difficulty recruiting and retaining volunteers for fire departments in Dover and State-wide. He stated that volunteer fire departments save the State of Delaware approximately $209,000,000 in local tax revenues.

Mrs. Russell thanked the Dover Police and Fire Departments for their contributions in making the Community Youth Christmas Party a success and for the support they have provided to youth in the community.

Mr. Salters announced that a Martin Luther King, Jr. National Holiday Program will be held on January 17, 2011 at 12:00 noon at Delaware State University. He stated that the Alpha Phi Alpha Fraternity will hold the Martin Luther King, Jr. Breakfast at 7:00 a.m. on January 17, 2011, at the Modern Maturity Center and the distinguished speaker will be Reverend Ellis Louden.

Council President Hogan relayed appreciation for those who contacted him to express their concerns regarding his brother.

By unanimous consent, the meeting adjourned at 8:14 P.M.

TRACI A. McDOWELL
CITY CLERK

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

CARLETON E. CAREY, SR.
MAYOR

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Exhibits Attached to Original Minutes and File Copy

Exhibit #1 - Planning Commission Amendment #1 to Ordinance #2010-28
Exhibit #2 - Ordinance #2010-28 (with Planning Commission Amendment #1), as amended
Exhibit #3 - Correspondence Regarding Proposed Ordinance #2010-29
Exhibit #4 - Board of Assessment Appeals Exemption Report of December 1, 2010
Exhibit #5 - Ordinance #2010-30 - Budget Amendment

PROCLAMATION

Whereas, in 1861, as the United States stood at the brink of Civil War, people of African descent, both enslaved and free persons, waited with a watchful eye, understanding that a war between the North and the South might bring about jubilee - the destruction of slavery and universal freedom; and

Whereas, when the Confederacy fired upon Fort Sumter and war ensued, President Abraham Lincoln maintained that the paramount cause was to preserve the Union, not end slavery; and

Whereas, Frederick Douglass, the most prominent black leader, suggested that regardless of intentions, the war would bring an end to slavery; and

Whereas, Over the course of the war, the four million people of African descent in the United States proved Douglass right. Free and enslaved blacks rallied around the Union flag in the cause of freedom; and

Whereas, nearly 200,000 joined the Grand Army of the Republic and took up arms to destroy the Confederacy, serving as recruiters, soldiers, nurses, and spies, and endured unequal treatment, massacres, and riots pursuing their quest for freedom and equality; and

Whereas, in honor of the efforts of people of African descent to destroy slavery and inaugurate universal freedom in the United States, the Association for the Study of African American Life and History has selected "African Americans and the Civil War" as the 2011 National Black History Theme. We urge all Americans to study and reflect on the value of their contributions to the nation, and to our community.

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

BLACK HISTORY MONTH

Carleton E. Carey Sr.

Carleton E. Carey, Sr.
Mayor

UTILITY COMMITTEE

The Utility Committee Meeting was held on January 10, 2011 at 5:00 p.m. with Chairman Ruane presiding. Members present were Mr. Bonar, Mr. McGiffin, Major Kosior, and Mr. Snaman. Members of Council present were Council President Hogan and Mr. Leary. Mayor Carey was also present.

AGENDA ADDITIONS/DELETIONS
By unanimous consent, the agenda was approved, as presented.

Proposed Ordinance #2011-01 - Amendment to Appendix B - Zoning, Article 5 - Supplementary Regulations, (New) Section 20 - Solar and Small Wind Energy Systems
Mrs. Ann Marie Townshend, Director of Planning and Community Development, presented Proposed Ordinance #2011-01 - Amendment to Appendix B - Zoning, Article 5 - Supplementary Regulations, (New) Section 20 - Solar and Small Wind Energy Systems, for the Committee's consideration.

Mrs. Townshend provided members with a revised version of the Proposed Ordinance (***Attachment #1***) and noted that changes were indicated in red. She advised members that the revisions resulted from a meeting that staff held with Councilman Eugene Ruane, Mrs. Judy Diogo (Central Delaware Chamber of Commerce), Mr. Phil McGinnis (representing area Realtors), and Mr. John Paradee (attorney representing an interested client) on January 4, 2011. Mrs. Townshend reminded members that the 2008 Comprehensive Plan called for the development of code amendments that would encourage renewable energy. She explained that the Proposed Ordinance would allow solar energy systems and small wind energy systems as accessory uses within all zoning and non-residential zones, as well as public health, safety and welfare, and add definitions for such systems to the Zoning Ordinance.

Responding to Mr. Ruane, Mrs. Townshend confirmed that the Proposed Ordinance was drafted after reviewing related State of Delaware legislation (Chapter 80 of Title 29, Section 8060) and researching the matter through the National Planning Organization and other jurisdictions.

In response to concerns of Mr. McGiffin regarding the prohibition of free-standing solar panels in residential areas, Mrs. Townshend stated that if members wished to delay action, staff could research the standards for residential areas. She indicated that there are concerns with intrusiveness and explained the importance of establishing set-back requirements.

Mr. Bonar relayed concerns with the types of screening that would be required and requested that staff provide details regarding the term "visually screened."

Mr. Phil McGinnis, McGinnnis Commercial Real Estate Company, 555 E. Loockerman Street, stated that he chairs the Public Policy Committee for the Kent County Association of Realtors and advised members that he worked with the State Legislature for three (3) to four (4) years on the associated State statute and supports the revised Proposed Ordinance presented by staff. In considering the specific issues regarding the height of the turbine and screening for the City of Dover, he noted that properties are typically 30 to 50 feet wide and, therefore, could not support a wind turbine. Mr. McGinnis stated that, as a result, solar panels would be the only option for renewable energy.

In terms of screening, he explained that reflective lighting off solar panels is a potential problem; however, he stated that he was convinced that such concerns have been satisfied in the revised Proposed Ordinance.

Mr. John Paradee of the law firm Prickett, Jones, and Elliott, 11 North State Street, indicated that representatives of Arca Advisors were present, as well as Mr. Don Burg and Mr. Craig Frater, principals of his client, CD Realty Advisors. He commended the City for its support of alternative renewable energy, as expressed through the Comprehensive Plan and consideration of the Proposed Ordinance. Mr. Paradee explained that CD Realty Advisors owns several parcels at the Silver Lake Business Park and that, although many of the parcels have been improved with buildings which have been leased to various users, there is one (1) parcel that remains vacant. Due to current market conditions, he stated that his clients have been exploring other options for the use of this property. Mr. Paradee noted that the firm's desire is to put a ground-mounted solar energy system on the vacant parcel to generate energy to support and satisfy the needs of one (1) of its buildings. In order for this concept to work, he stated that more than 30% of the lot area would be required, which the Proposed Ordinance prohibits. He also relayed concern with establishing a threshold that allows for a project to be permitted as a conditional use, explaining that businesses and their financial institutions would require certainty. Mr. Paradee requested that ground-mounted solar energy systems be a permitted use in non-residential areas, not an accessory use. He assured members that, although he appreciates the City's consideration of both solar and wind energy systems, his clients have no interest in wind energy systems.

Responding to Mr. Ruane, Mr. Paradee stated that, since the meeting held on January 4, 2011, he had further opportunity to discuss the matter with his clients and was made aware of their concerns regarding the restrictions related to lot coverage.

Mr. Brian Yeager, representative of Arca Advisors, provided members with a Statement from the Delaware Solar Energy Coalition regarding the Proposed Ordinance (***Attachment #2***) and reviewed Ground Mount Solar Array Quick Facts (***Attachment #3***). Due to the important role that manufacturing, labor, installation, and financing play in solar pricing, Mr. Yeager explained that restricting the use of lot area would be disincentivizing.

Mr. Donald Burg, CD Realty Advisors, 200 S. Broad Street, Philadelphia, PA, relayed concerns regarding merging properties to attain the required square footage and the need for parcels to remain separate for tax records and financial purposes. For purposes of the Proposed Ordinance, he suggested that parcels which are contiguous and have common ownership be considered one (1) parcel. It was his feeling that this proposal would eliminate many of the issues with ancillary versus permitted uses.

Responding to Mr. McGiffin regarding the sale of one (1) of the properties, Mr. Burg stated that the properties would either have to be sold together or the array removed, suggesting that if the properties were sold in a manner that "breaks" the contiguous and common ownership, the result would be array removal.

Mrs. Townshend advised members that the State legislation indicates that "any wind energy system shall be buffered from any properties or structures included on the historic registry." She explained that her concerns with principal use or permitted use within non-residential and commercial zones, from a land planning perspective, are relative to the potential long-term implications on the character of the City's commercial areas.

In response to Mr. Ruane, Mrs. Townshend stated that there are other precedents in the Dover Code that provide consideration of properties under common ownership and that staff could research this concept and include an amendment to the Proposed Ordinance. However, she noted that the revised Proposed Ordinance indicates that the ground-mounted solar energy system shall not be located between the principal structure and the street.

Having recently visited the National Renewable Energy Laboratories in Denver, Colorado, Mr. Bonar reminded members that there is emerging technology that is very close to becoming a reality which will eliminate noticeability of such solar energy systems.

Mr. Bonar moved to recommend that action be deferred until the next Committee meeting to allow time for staff to address the concerns relayed, seconded by Mr. McGiffin and unanimously carried.

Annual Engineering Consultant's Report on the Operation and Maintenance of the Electric System - Fiscal Year 2010

Due to time constraints, by unanimous consent, the Annual Engineering Consultant's Report on the Operation and Maintenance of the Electric System for Fiscal Year 2010 was deferred until the next Committee meeting.

Development Projects - Performance and Maintenance Bonding Concerns

Mr. Anthony DePrima, City Manager, advised members that, as part of a shared performance goal, the City Manager, the Public Services Manager, and the Director of Planning and Community Development conducted a series of four (4) internal meetings to brainstorm various ideas to address concerns raised about performance and maintenance bonding in subdivisions, site plan compliance, ensuring the functionality of homeowners' associations (HOAs), and other development project issues. As a result of these meetings, which were held in October, November, and December of 2010, he stated that eight (8) specific issues/concerns were identified.

Mr. DePrima assured members that the list is not comprehensive and that staff would welcome additional ideas. He requested guidance for prioritizing, noting that all issues/concerns could not be addressed in a year. He also assured members that staff's intention is to reach out to interest groups, development associations, communities, and homeowner groups to obtain feedback, explaining that presenting these development projects to the Committee is one (1) of the first steps in the process.

Mr. Scott Koenig, Public Services Manager, reviewed the Development Project concerns and suggestions developed by staff.

Mr. Ruane suggested that the list of Development Projects be provided to members in electronic form and, at the suggestion of Mr. DePrima, that members rank the projects in priority and provide a suggested timeline to be considered by the Committee during their next meeting.

Mr. Bonar moved to recommend that staff provide the list of Development Projects to members for their review and prioritization to be considered by the Committee during their next meeting, seconded by Mr. McGiffin and unanimously carried.

Annualized Comparison of Utility Rates

Due to time constraints, Mr. Ruane requested that the Annualized Comparison of Utility Rates be deferred until the next Committee meeting.

Mr. McGiffin moved to defer the Annualized Comparison of Utility Rates until the next Committee meeting, seconded by Mr. Bonar and unanimously carried.

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

Due to time constraints, Mr. Ruane requested that the Review of the Utility Related CIP for Electric and Water/Wastewater for November 2010 be deferred until the next Committee meeting.

Mr. McGiffin moved to defer the Review of the Utility Related Capital Investment Plan (CIP) for Electric and Water/Wastewater for November 2010 until the next Committee meeting, seconded by Mr. Bonar and unanimously carried.

By unanimous consent, the meeting adjourned at 5:53 p.m.

Respectfully submitted,

Eugene B. Ruane
Chairman

EBR/TM/jg/js/ac/dd
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Attachments

Attachment #1 - Revised Proposed Ordinance #2011-01 - Amendment to Appendix B - Zoning, Article 5 - Supplementary Regulations, (New) Section 20 - Solar and Small Wind Energy Systems
Attachment #2 - Statement from the Delaware Solar Energy Coalition Regarding Proposed Ordinance #2011-01
Attachment #3 - Ground Mount Solar Array Quick Facts

CITY OF DOVER
ORDINANCE #2011-01

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

That Appendix B - Zoning, Article 5 – Supplementary Regulations be amended by adding a new section 20 as follows:

Section 20. Solar and Small Wind Energy Systems.

Solar energy systems and small wind energy systems shall be permitted as accessory uses within all zones subject to the following requirements:

20.1Residential Zones

20.11Solar panels shall be affixed to the roof of the structure and shall not be free-standing structures

20.12Small wind energy systems in residential zones shall be subject to the following restrictions:

a. Small wind energy systems shall be setback 1.0 times the turbine height from adjoining property line. Turbine height means the height of the tower plus the length of 1 blade.
b. The aggregate noise or audible sound of a small wind energy system shall not exceed 5 decibels above the existing average noise level of the surrounding area and shall be restricted to a maximum of 60 decibels measured at any location along the property line to the parcel where the wind system is located.
c. Small wind energy systems shall be free from signage, advertising, flags, streamers, any decorative items or any item not related to the operation of the wind turbine. Electric wiring for the turbines shall be placed underground for non-building integrated systems.
d. Small wind energy systems shall not be permitted within the H (Historic District) Zone.
e. Any small wind energy system shall be **visually screened** from any properties or structures included on the National Register of Historic Places.

20.2Non-Residential Zones

20.21 Solar energy systems shall be subject to the following restrictions:

a. Ground-mounted solar energy systems shall not occupy more than **30** percent of the lot area.
b. If ground-mounted solar energy systems are proposed to occupy more than **30** percent of the lot area, their placement shall be subject to conditional use approval by the Planning Commission.

DRAFT

c. Ground-mounted solar energy systems shall not be located between the principal structure and the street.
d. Solar energy systems, whether roof-mounted or ground-mounted, must comply with all building setback and height requirements for the zoning district where the system is to be installed.

20.22Small wind energy systems shall be subject to the following restrictions:

a. Small wind energy shall be setback 1.0 times the turbine height from adjoining property line. Turbine height means the height of the tower plus the length of 1 blade.
b. The aggregate noise or audible sound of a wind system shall not exceed 5 decibels above the existing average noise level of the surrounding area and shall be restricted to a maximum of 60 decibels measured at any location along the property line to the parcel where the small wind energy system is located.
c. Small wind energy systems shall be free from signage, advertising, flags, streamers, any decorative items or any item not related to the operation of the wind turbine. Electric wiring for the turbines shall be placed underground for non-building integrated systems.
d. Small wind energy systems shall not be permitted within the H (Historic District) Zone.
e. Any small wind energy system shall be **visually screened** from any properties or structures included on the National Register of Historic Places.

20.3Decommissioning
Solar energy systems and/or small wind energy systems must be maintained and kept in a state suitable for immediate operation. When it can be demonstrated that a solar energy system or small wind energy system as approved in accordance with this section is in a state of disrepair and is not suitable for immediate operation, that System shall be removed and the accessory use terminated.

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 12 – Definitions, be amended to add the following definitions:

Solar energy system – any solar collector or other solar energy device, or any structural design feature, mounted on a building or on the ground, and whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, for water heating, or for electricity.

Small wind energy system - a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kilowatts (kW) and which is intended to primarily reduce on-site consumption of utility-supplied energy.

SYNOPSIS

DRAFT

The proposed ordinance adds solar energy systems and small wind energy systems as accessory uses within all zoning districts; sets standards for these systems to ensure protection of the character of the zones, as well as public health, safety and welfare; and adds definitions for such systems to the *Zoning Ordinance*.

DRAFT

DSEC
Delaware Solar Energy Coalition

Proposed Ordinance #2011-01 - Amendment to Appendix B - Zoning, Article 5 - Supplementary Regulations, (New) Section 20 - Solar and Small Wind Energy Systems

Comments to Utility Committee for January 10, 2011 meeting

The Delaware Solar Energy Collation applauds the City of Dover's efforts to standardized and simplify the process of permitting solar power installations.

We have reviewed the draft ordinance and would like to make three comments.

1. **Section 20.11 restricts the installation of solar panels in residential areas to roof mounted only, prohibiting ground mounted solar arrays.**

Prohibiting free standing solar panels in residential zones is in direct opposition to Delaware Title 25, Chapter 3, Section 318, which states:

(f) No covenant, restriction, or condition contained in a deed, contract, or other legal instrument which affects the transfer, sale, or any other interest in real property, which is zoned for residential use and the lot or lots are 1/2 of an acre or greater in size, that prohibits or unreasonably restricts the owner of the property from installing or using a ground mounted system for obtaining solar energy on that owner's property shall be allowed in any deed, contract or other legal instrument. A covenant, restriction, or condition which requires that fencing, landscaping, or other appropriate means be used to shield the system from view, so that it is not readily visible from adjacent streets shall be deemed to be a reasonable restriction.

We request that the blanket prohibition be removed from the draft ordinance.

2. **Section 20.21 (a) limits ground mounted solar to a maximum of 25% of the lot size in non residential zonings.**

Ground mounted solar arrays do not have sufficiency unique properties to justify placing additional lot coverage restrictions that are in excess of coverage restrictions for other uses. This provision, if adopted, would prohibit property owners from fully enjoying the best use of their property despite compliance with all other zoning regualtions.

3. **Section 20.21 (c) prohibits ground mounted solar from being installed between the primary structure and the street on non-residential properties.**

As ground-mounted solar arrays must comply with existing setbacks per 20.21 (d.), they should not be subject to this additional restriction. It is possible a non residential parcel could be bounded by streets on two or more sides, rendering it useable under this provision. Also, on a large parcel, an existing "principle structure" may be located in such a manner as to make significant portions of the parcel unusable, even though those portions would be usable by setback requirements. As it would not be prohibited to build other structures on these sections of the parcel, it should not be prohibited to build a solar energy structure.

Thank you for considering of these comments.

Dale Davis

President
Delaware Solar Energy Coalition

Ground Mount Solar Array Quick Facts

- **Low profile**
  - Minimal to no visual blight (see following pictures)
- **No noise pollution**
  - Large utility scale arrays may have axis tracker motor to follow the sun
- **No moving parts** to create potentially hazardous conditions
  - IE: wind blades and wind towers

Manufacturing, labor, installation, financial and other considerations play an important role in solar pricing. Maximizing potential land area for ground mounted solar positively impacts the various factors above and lowers the final cost to the owner.

Limiting useable area would essentially discourage future development of solar in the City.

Basic rules of thumb:

- Roughly 100 square feet needed for 1 kilowatt of solar installed
- Roughly 4-5 acres for 1 megawatt of solar installed

Utilizing appropriate building setbacks and height requirements for the respective zoning district would properly reduce and limit the impacts, if any, of solar ground arrays.

AERCA
ADVISORS

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held on January 10, 2011 at 6:01 p.m. with Chairman Leary presiding. Members present were Mr. McGiffin, Mr. Salters, Dr. Jones, and Mr. Shevock. Members of Council present were Mr. Bonar (arrived at 6:20 p.m.), Mr. Hogan (departed at 6:11 p.m.; returned at 6:17 p.m.), and Mr. Ruane. Mayor Carey was also present.

AGENDA ADDITIONS/DELETIONS

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

Review and Recommendation - Filling of Critical Positions

During their meeting of February 23, 2009, members recommended approval of a Hiring Freeze for Fiscal Year 2008-2009, but to allow the hiring of critical positions through the review and approval of the Legislative, Finance, and Administration Committee and City Council. It was suggested that there be a "standing" agenda item to consider the filling of critical positions and, if there were no positions to consider, the item could be removed.

Local Area Network (LAN) Analyst - Information Technologies (IT) Department

Mr. Anthony DePrima, City Manager, reviewed a request to recruit for a Local Area Network (LAN) Analyst for the Information Technologies (IT) Department. He noted that Mr. Andy Siegel has assumed the position of Acting IT Director; however, Mr. Siegel continues to serve as a LAN Analyst. Mr. DePrima explained that the department currently has one (1) additional employee serving in this capacity.

Responding to Mr. McGiffin, Mr. DePrima stated that it was decided to postpone filling the IT Director position until FY 12 in an effort to conserve funds. He stated that if someone other than Mr. Siegel is ultimately selected to fill the position of IT Director, there will be a total of three (3) LAN Analyst positions.

In response to Mr. Shevock, Mr. DePrima stated that the Request to Recruit Form should have included budgetary details and assured members that funds are available in the budget for the position.

Mr. McGiffin moved to recommend approval of the request to recruit for a Local Area Network (LAN) Analyst for the Information Technologies Department, as recommended by staff. The motion was seconded by Mr. Shevock and unanimously carried.

Presentation - Public Financial Management - Final Results of 2010 Electric Revenue Bond Refunding (*Geoffrey Stewart*)

Mrs. Donna Mitchell, Controller/Treasurer, introduced Mr. Geoffrey Stewart, Senior Managing Consultant, Public Financial Management (PFM). She stated that Mr. Stewart serves as the City's financial advisor and assists with all of the City's bond financing.

Mr. Stewart reviewed a Financial Advisory Memorandum, which provided information regarding the very successful November 2010 refinancing of the City's outstanding electric revenue bond debt.

He reminded members that the City had approximately $11.4M of outstanding bonds that were issued to build assets in the electric system. The average interest rate on the outstanding loan was 5%. Mr. Stewart stated that new bonds were issued to pay off the old bonds at a substantial savings, noting that the true interest cost is 1.23%. In terms of dollars and cents, he stated that, in gross, over the life of the remaining loan, which extends until 2016, the City will realize over $3M less interest in debt service savings and the net present value savings for the City will be over $1M.

Responding to Mr. Ruane, Mr. Stewart stated that the electric utility is rated Aa2 by Moody's and A+ by Fitch. He stated that he could provide members with details regarding the metrics that are reviewed and how the City's utility performance compares to its peer groups. He suggested that the City exercise caution by maintaining healthy reserve levels and noted that the transfer of funds to the General Fund is a metric that is considered when ratings are established.

Mr. Salters moved to recommend acceptance of the Report on the Final Results of the 2010 Electric Revenue Bond Refunding submitted by Public Financial Management. The motion was seconded by Mr. Shevock and unanimously carried.

Authorization to Purchase - Vehicle Computers/In-Car Camera Systems

Police Chief James Hosfelt submitted a request to purchase vehicle computers/in-car camera systems as an allowable Sole Source Procurement. He indicated that a different configuration of computers, in-car camera equipment, and associated parts/accessories is required in order to fit within the smaller space constraints of new and future police vehicles. Chief Hosfelt explained that the new equipment will minimize the negative impact of vehicle space constraints on officer safety and reduce operational and maintenance costs for the City in the long term.

Police Chief Hosfelt explained that a combination of budget and grant funds will be utilized for this purchase. He noted that budgeted funds programmed for annual recurring mobile data computer (MDC) replacements ($23,400.00), as well as funds for vehicle equipment replacement ($11,400.00), will be combined with available Justice Assistance Grant funding ($37,616.10) to complete this purchase (total of $72,416.10). In addition, he stated that the Department would like to continue to purchase these systems in future years to replace the current configuration of equipment in vehicles through the normal vehicle replacement cycle. Chief Hosfelt noted that, as the process continues, savings in maintenance costs will be realized, as the number of vendors needed to provide maintenance will be minimized.

Staff recommended approval of the request from the Police Department to purchase the new configuration of computers and in-car cameras for its vehicles, as well as the continued purchase of these items in future years as part of the normal, recurring replacement cycle.

Mr. Salters moved to recommend approval of staff's recommendation for the expenditure of $72,416.10 to purchase the vehicle computers/in-car camera systems, seconded by Mr. Shevock and unanimously carried.

Accounting Procedures for Federal Forfeiture Funds

During their meeting of August 23, 2010, members were provided a briefing regarding the Police Department's Criminal Investigation Fund, which was being maintained by the Police Department without being accounted for in the City's records. Members were assured that the Police Department would work with the Finance Department to transfer all records and documentation to bring the Fund under the control of the Finance Department. Members accepted the Criminal Investigation Fund Report, as delivered by the Police Chief, and anticipated an update when the administrative adjustments were completed. City Council approved this action during their Regular Meeting of September 13, 2010.

Mrs. Donna Mitchell, Controller/Treasurer, reported that Chief Hosfelt and the Police Department staff worked cooperatively with the Finance Department to close out the separate bank account and deposit the cash balance into a City account, which is currently used for Law Enforcement Grants. She explained that all activity is now being processed through the City's accounting system in compliance with all policies and procedures. Mrs. Mitchell noted that the previous bank account was being reconciled, financial reports were being prepared by the Police Department, and controls were in place to prohibit unauthorized spending per the Department's internal policies; however, these activities were not shared with anyone outside of the Police Department. She advised members that Chief Hosfelt agreed to a compliance review conducted by the City auditor, Faw, Casson & Company.

Mrs. Mitchell stated that staff recommended that annual budgets be established for Police Grants and all other Criminal Investigation Funds and that all estimated receipts and planned disbursements be adopted through the budget process and accounted for in the same manner as all other funds to insure transparency and accountability. She explained that there was a general understanding that, through the use of the City's budgeting and financial systems, all policies and procedures would be adhered to. Mrs. Mitchell noted that, until such time as a budget can be established, the Finance Department will issue a summary of activity for these funds in conjunction with the Finance Department's monthly report.

Dr. Jones moved to recommend acceptance of the accounting procedures for the Federal Forfeiture Funds, as recommended by staff. The motion was seconded by Mr. Salters and unanimously carried.

Proposed Ordinance #2010-01 - Chapter 102 - Taxation, Article I - In General, Section 102-1 - Annual Valuation and Assessment and Proposed Companion Ordinance #2011-02 - Chapter 102 - Taxation, Article IV - Abatement of Real Estate Taxes, (New) Section 102-117 - Construction of New Facility

Ms. Cheryl Russell, Tax Assessor, reviewed proposed Ordinance #2010-01, amending Chapter 102 - Taxation, Article I - In General, Section 102-1 - Annual Valuation and Assessment of the Dover Code, and proposed companion Ordinance #2011-02, amending Chapter 102 - Taxation, Article IV - Abatement of Real Estate Taxes, (New) Section 102-117 - Construction of New Facility.

During their meeting of January 11, 2010, members were provided Proposed Ordinance #2010-01, which would revert the ordinance to its original intent and strike out Mayor Carey's amendments, which were approved by City Council on December 14, 2009. The purpose of the amendment was to follow the recommendations resulting from a June 2008 audit performed by Mr. Frederick Chmura and Mr. William Ford of the International Association of Assessing Officers (IAAO). The Committee recommended that the City Assessor's Office, the City Manager's Office, and the real estate community meet to attain a workable solution within 90 days. This recommendation was approved by City Council during their Regular Meeting of January 25, 2010.

Ms. Russell advised members that, after several meetings with the real estate community, a consensus was reached regarding the recommendation for approval of Proposed Ordinance #2010-01, with the stipulation that a companion Ordinance, #2011-02, be adopted. She explained that Proposed Ordinance #2011-02 would allow for an application for abatement of real estate taxes.

Staff recommended adoption of Proposed Ordinances #2010-01 and #2011-02.

In response to Mr. Ruane, Ms. Russell estimated that there are currently four (4) or five (5) commercial projects that would be eligible for the abatement; however, she anticipated their completion prior to July 1, 2011.

Responding to Dr. Jones, Ms. Russell stated that an abatement would apply only to new construction on the property.

Mr. McGiffin moved to recommend adoption of Proposed Ordinances #2010-01 (*Attachment #1*) and #2011-02 (*Attachment #2*). The motion was seconded by Mr. Shevock and unanimously carried.

By unanimous consent, the meeting adjourned at 6:35 p.m.

Respectfully submitted,

Thomas J. Leary
Chairman

TJL/TM/jg/js/ac/dd
S:\AGENDAS & MINUTES\Committee-Minutes\2011\01-10-2011 LF&A.wpd

Attachments

Attachment #1 - Proposed Ordinance #2010-01 - Chapter 102 - Taxation, Article I - In General, Section 102-1 - Annual Valuation and Assessment

Attachment #2 - Proposed Ordinance #2011-02 - Chapter 102 - Taxation, Article IV - Abatement of Real Estate Taxes, (New) Section 102-117 - Construction of New Facility

CITY OF DOVER PROPOSED ORDINANCE #2010-01

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

That Chapter 102 – Taxation, Article I - In General, Section 102-1 - Valuation and Assessment, be amended by inserting the text indicated in bold, blue, italics and deleting the text indicated in red strikeout as follows:

Sec. 102-1. Valuation and assessment.

Section 47 of the Charter provides that an impartial valuation and assessment of all real property within the city shall be conducted by the city assessor every third year. The council may also direct that in lieu of the reassessment and valuation by the city assessor, such reassessment and valuation may be done by an outside appraiser chosen by the council. Pursuant to section 47 of the Charter, commencing with the year 2010 and every ninth year thereafter, the valuation and assessment of all real property shall be conducted by an outside appraiser chosen by the council. All property shall be valued as to its status; as of its ownership; and as of its current market value as of the January 1st assessment date~~*; except if improvements are not deemed by the assessor to be complete; property shall be partially valued if construction has ceased for 90 days as of the January 1st assessment date*~~.

ADOPTED: *

SYNOPSIS

The proposed ordinance amendment provides language that property shall be valued as to its status; as of its ownership; and as of its current market value.

Actions History
January 10, 2011 - Scheduled for Consideration by Legislative, Finance, and Administration Committee
January 11, 2010 - Legislative, Finance, and Administration Committee Referred Back to Staff to Work with Real Estate Community

Draft

CITY OF DOVER PROPOSED ORDINANCE #2011-02

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, be amended by inserting a new Section 102-117 - Construction of new facility, as follows:

Sec. 102-117. Construction of new facility.

(a) Tax abatement benefit. During the construction of a new facility or an expanded facility, meaning after the issuance of a building permit and prior to the issuance of a Certificate of Occupancy, improvements less than one hundred percent (100%) complete by January 1 shall be eligible for an abatement of City real estate taxes.

(b) Application. Eligibility.

(1) Separate application under this subsection shall be submitted to the Office of the Assessor pursuant to the requirements of § 102-114(a) no later than thirty days after notice of eligibility is issued.

(2) Applicants must certify that they are in good standing pursuant to § 1-13 of the City Code. All construction must be active at the time of application.

(c) Limitation on applicability.

(1) Abatement under this subsection may not exceed a period of 12 months.

(2) Notwithstanding other provisions of this subsection, the abatement period may, at the discretion of the Assessor, be extended for a period not to exceed an additional 12 months for good cause shown. Good cause includes, but is not limited to, increase in the scope of the project, acts of nature, and, as long as no party with control of the new facility is at fault: fire, or vandalism. Abandonment of a project shall not be good cause.

(d) Right to appeal. Any aggrieved taxpayer shall have the right to appeal the decision of the Assessor to the City Council. Appeals must be filed with the Council not more than ten (10) days after the date the written decision of the Assessor is issued.

ADOPTED: *

SYNOPSIS

*

Actions History

January 10, 2011 - Scheduled for Consideration by Legislative, Finance, and Administration Committee

Draft

Prepared for: Regular Council Meeting
April 26, 2010

CITY OF DOVER
FISCAL YEAR JULY 1, 2010 TO JUNE 30, 2011
REVENUE FORECAST
As of December 31, 2010

GENERAL FUND	FY 11 Original Budget	December YTD Receipts	50.0% % Budget Received	FY11 PROJ'D	COMMENTS	FY10 RECEIPTS	FY09 RECEIPTS
Property Taxes	$ 10,982,634	$ 10,836,946	98.7%	$ 10,982,634	Billed in July; Includes PILOT, tax penalties, & report fees	$ 9,977,466	$ 10,022,288
Transfer from Electric Fund	8,856,000	4,428,000	50.0%	8,856,000		6,758,100	6,758,100
Intrafund Service Receipts Electric	3,374,945	1,188,743	35.2%	3,374,945		3,159,199	3,417,682
Transfer Tax	1,000,000	1,057,591	105.8%	1,400,000	Received 2 large receipts in December; $633,046 + $58,500	867,795	1,198,064
Business Licenses	1,523,675	1,442,304	94.7%	1,523,675	Billed in July;	1,464,341	1,436,715
Intrafund Service Receipts Water/Wastewater	972,889	348,807	35.9%	972,889		900,164	965,917
Trash Fees & DSWA Rebate	2,387,511	1,172,835	49.1%	2,050,000	Trash out-of-city customers reduced. Partially offset by reduced expense.	1,340,730	1,396,801
Permits & Other Licenses	934,000	276,194	29.6%	892,000	Adjustment based on building permit fees received year to date.	960,427	1,163,233
Transfer from Municipal Street Aid Fund	526,843	263,776	50.1%	526,843		-	791,306
Fines & Police Revenue	581,502	336,339	57.8%	581,502		626,833	628,928
Court of Chancery Fees	645,000	226,800	35.2%	645,000	Still due November & December	675,390	738,240
Transfer from Water/Wastewater Fund	-	-	0.0%	-		548,020	564,810
Transfer from Civil Traffic Penalties Fund	930,000	557,297	59.9%	930,000	Still due December	791,583	694,220
Library Revenues & County Reciprocal Pymt.	524,189	221,742	42.3%	524,189		465,387	514,458
Police Extra Duty Fees	300,000	156,419	52.1%	300,000		418,479	386,770
Franchise Fees	486,000	136,380	28.1%	486,000	Quarterly receipts	520,157	507,135
Grants	831,850	153,060	18.4%	831,850		653,492	133,864
Business Improvement District Tax	52,692	50,658	96.1%	52,692		52,118	53,113
Other Miscellaneous Receipts	282,750	159,142	56.3%	282,750		282,274	308,495
Interest Income	224,000	21,045	9.4%	116,000	Earnings are reflective of actual experiences in market, timing of billings,expenses and cash on hand.	145,869	239,185
Transfer from Reserves	-	-	0.0%	-		236,582	-
TOTALS	$ 35,416,480	$ 23,034,078	65.0%	$ 35,328,969		$ 30,844,406	$ 31,919,324
	Original FY11 Budget versus Projections			$ (87,511)		$ 4,484,563	$ 3,409,645

Prepared for: Regular Council Meeting
April 26, 2010

CITY OF DOVER
FISCAL YEAR JULY 1, 2010 TO JUNE 30, 2011
REVENUE FORECAST
As of December 31, 2010

WATER/WASTEWATER FUND	FY 11 Original Budget	December YTD Receipts	50.0% % Budget Received	FY11 PROJ'D	COMMENTS	FY10 REVENUES	FY09 REVENUES
Water Fees	$ 4,206,700	$ 2,742,814	65.2%	$ 4,206,700		$ 4,274,966	$ 4,070,523
Wastewater Fees	3,308,300	1,932,535	58.4%	3,308,300		3,015,856	2,351,885
Wastewater Adjustment Fees - County Trtmt	4,275,600	2,225,781	52.1%	4,275,600	WW Adj Fee $613,678 included;	3,100,547	3,733,644
Wastewater Impact Fees	323,000	120,650	37.4%	323,000		418,475	609,024
Water Impact Fees	357,000	135,100	37.8%	357,000		369,750	126,000
Water Tank Space Leasing	299,400	130,882	43.7%	299,400		293,154	325,720
Interest Income	1,515	3,332	219.9%	19,800	Earnings are reflective of actual experiences in market, timing of billings,expenses and cash on hand.	1,573	63,714
Other Miscellaneous Revenues	71,000	41,006	57.8%	71,000		58,848	67,771
TOTALS	$ 12,842,515	$ 7,332,100	57.1%	$ 12,860,800		$ 11,533,169	$ 11,348,281
	Original FY11 Budget versus Projections			$ 18,285	FY11 Projection versus Prior Year Actuals	$ 1,327,631	$ 1,512,519

ELECTRIC REVENUE FUND	FY 11 Original Budget	December YTD Receipts	50.0% % Budget Received	FY11 PROJ'D	COMMENTS	FY10 REVENUES	FY09 REVENUES
Sales to Customers	$ 96,595,300	$ 53,265,256	55.1%	$ 96,595,300	FY10 Consumption 2.5% decrease; FY11 .8% increase.	$ 96,158,794	$ 97,904,431
Purchased Power Adjustment	(2,000,000)	(1,074,974)	53.7%	(2,000,000)			-
Utility Tax	1,864,800	1,038,021	55.7%	1,864,800		1,922,645	1,738,059
Emission Credit Sales	-	-	0.0%	-		275,214	167,682
Miscellaneous Revenue	1,206,616	716,450	59.4%	1,206,616		1,388,482	1,642,420
Interest Income	65,700	9,080	13.8%	110,300	Earnings are reflective of actual experiences in market, timing of billings,expenses and cash on hand.	16,441	428,212
Intrafund Service Fees - Water/Wastewater	299,442	63,339	21.2%	179,360	Not all Electric Admin Cost are allocable to Water/Wastewater	179,360	191,247
TOTALS	$ 98,031,858	$ 54,017,172	55.1%	$ 97,956,376		$ 99,940,936	$ 102,072,051
	Original FY11 Budget versus Projections			$ (75,482)	FY11 Projection versus Prior Year Actuals	(1,984,560)	(4,115,675)

City of Dover

DRAFT PROPOSED COUNCIL RESOLUTION NO. 2011-01

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF
UP TO $765,060 SEWER REVENUE BONDS
OF THE CITY OF DOVER FOR THE
CONSTRUCTION OF CERTAIN SEWER PROJECTS
AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH

WHEREAS, the City of Dover (the "City") is authorized pursuant to Volume 52, Delaware Laws, Chapter 111, as amended by Volume 57, Delaware Laws Chapter 340, Volume 36 Delaware Laws, Chapter 158, as amended, and the City Charter (collectively the "Enabling Acts") to issue revenue bonds for the purpose of financing the extension, reconstruction or improvements to the City's water, sewer and electric systems;

WHEREAS, pursuant to the Enabling Acts, the City adopted a Bond Resolution on February 27, 1989 (the "Bond Resolution") providing for the issuance of water and sewer revenue bonds and pursuant to the Bond Resolution the City has issued and there remains outstanding its $7,980,000 Water and Sewer Revenue Bonds, Series 2003 and its $5,942,481 Water and Sewer Bonds, Series 2009 (the "Outstanding Bonds");

WHEREAS, the City desires to issue additional revenue bonds pursuant to the Bond Resolution on a parity with the Outstanding Bonds;

WHEREAS, the City has approved certain capital improvements to its Sewer System and desires to issue its additional parity revenue bonds pursuant to the Bond Resolution and to pay the costs of said improvements, including, but not limited to the following:

1. Fox Hall Pump Station
2. Lepore Road Pump Station
3. Heatherfield Force Main

(the "Projects").

NOW THEREFORE THE CITY OF DOVER HEREBY ORDAINS (AT LEAST THREE FOURTHS OF THE MEMBERS OF COUNCIL CONCURRING HEREIN):

Section 1. Amount and Purpose of the Bonds. Acting pursuant to the Enabling Acts, and the Bond Resolution the City shall issue its negotiable obligations in the maximum aggregate principal amount not to exceed $765,060 to finance or refinance a portion of the cost of the construction and equipping of the Projects, an estimate of which is appended hereto as Exhibit A.

The monies raised from the sale of the Bonds (including the investment earnings thereon) after the payment of the costs of issuance, shall be expended only for the purposes authorized

herein or as may otherwise be authorized by subsequent action by City Council. Authorized purposes include the costs of planning, constructing, acquiring and equipping the Projects or any portion thereof; interest on the Bonds and any interim financing during the construction period and for a period of up to one year following the estimated date of completion; the costs of issuance of the Bonds and any interim financing; the repayment of temporary loans incurred with respect to the Projects; and the reimbursement of authorized costs previously expended by the City from other funds.

Section 2. Terms of the Bonds. The Bonds shall be sold to the Delaware Water Pollution Control Revolving Fund (the "SRF Fund") administered by the State of Delaware Department of Natural Resources and Environmental Control, Division of Water Resources pursuant to the terms of its commitment letter dated January 17, 2011 (the "Commitment Letter"), a copy of which is appended hereto as Exhibit B, and the other terms and conditions to be contained in a Financing Agreement between the City and the SRF Fund (the "Financing Agreement").

Section 3. Security for the Bonds. The principal, interest and premium, if any, on the Bonds shall be payable solely from the City's Net Operating Revenue which is hereby pledged to secure the Bonds on a parity with the Outstanding Bonds. The full faith and credit of the City shall not be pledged to pay principal and interest on the Bonds.

Section 4. Rate Covenant. The City covenants that it will fix and collect rates, fees and other charges for the use of and for services furnished or to be furnished by the Sewer System, and will from time to time revise such rates, fees and other charges so that in each Fiscal year the Net Operating Revenue available to pay debt service on the Bonds will equal at least the principal and interest requirements for the Bonds. If, for any reason, the revenues are insufficient to satisfy the foregoing covenant, the City shall within ninety (90) days adjust and increase its rates, fees and other charges or reduce its Operating Expenses so as to provide sufficient Net Operating Revenue to satisfy such requirement.

Section 5. Details of the Bonds. The Mayor and City Controller/Treasurer are authorized to determine the details of the Bonds including the following: the date or dates of the Bonds; provisions for either serial or term bonds; sinking fund or other reserve fund requirements; due dates of the interest thereon; the form of the Bonds; the denominations and designations of the Bonds; registration, conversion and transfer provisions; provisions for the receipt, deposit and investment of the proceeds of the Bonds; provisions for the replacement of a lost, stolen, mutilated or destroyed Bonds; and provisions for issuing uncertificated obligations and all procedures appropriate for the establishment of a system of issuing uncertificated debt. The Bonds shall be executed by the manual or facsimile signature of the Mayor and City Controller/Treasurer, shall contain an impression of the City Seal of a facsimile thereof and shall be attested by the manual signature of the City Clerk.

Section 6. Further Action. The Mayor, the President of the City Council, the City Controller/Treasurer, the City Manager and the City Clerk are authorized and directed to take such other action on behalf of the City, as may be necessary or desirable to effect the adoption of this Resolution and the issuance and sale of the Bonds and to provide for their security and to carry out the intent of this Resolution, including the publication of notices and advertisements and the execution and delivery of customary closing certificates.

Section 7. Effective Date. This Resolution shall become effective immediately upon its passage. The City Clerk is hereby directed to publish once in a newspaper published in the City a notice in substantially the following form:

DRAFT

"NOTICE IS HEREBY GIVEN that the City Council of The City of Dover, Delaware on January 24, 2011 pursuant to Chapter 111, Volume 52, Delaware Laws, as amended, adopted a resolution entitled as follows:

"RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF UP TO $765,060 SEWER REVENUE BONDS OF THE CITY OF DOVER FOR THE CONSTRUCTION OF CERTAIN SEWER PROJECTS AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH"

"The purpose of the issuance and sale of said bonds is to provide funds (approximately $765,060) to pay a portion of the costs of certain projects including, but not limited to: (1) Fox Hall Pump Station; (2) Lepore Road Pump Station, and (3) Heatherfield Force Main.

"Any action or proceeding to contest the validity of said resolution or any of its provisions must be commenced within thirty (30) days after publication of this notice. After expiration of such period of limitation, no right of action or defense founded upon the invalidity of said resolution or any of its provisions shall be asserted, nor shall the validity of said resolution or any of its provisions be open to question in any court upon any ground whatsoever, except in an action or proceeding commenced within such period."

By order of the City Council of the City of Dover.

_____
City Clerk

ADOPTED this __ day of _____, 2011.

CITY OF DOVER, DELAWARE

Attest:

_____ _____
Clerk, Dover City Council President, Dover City Council

APPROVED by the Mayor of the City of Dover on the __ day of _____, 2011.

_____
Mayor

DRAFT

City of Dover and IBEW #1238
July 1, 2010 – June 30, 2013

IBEW Membership approved January 5, 2011

Wage Increase:

- 3% wage increase effective January 25 plus a one-time payment of $500. Progression will be retro-active to July 1, 2010. Affects 7 employees.
- July 1, 2011: 2% wage increase
- July 1, 2012: Contract opens for wage and health insurance negotiations only.

Progression continues as in the expiring contract.

Synopsis: The City offered the membership the City's last, best and final offer. The offer is indicated above. The 3% increase is effective January 25, 2011. The one-time payment of $500 is in-lieu of any retro wage payment. The $500 payment will not be added to base wages and will not be pensionable. The lower percentage for next year is based upon concerns of the continued lack of improvement with the economy. The IUE agreed to a 2% increase. As a result of the City's desire to address health care cost concerns and the uncertainty of the economy, we requested that in the third year of the contract, the contract be re-opened and only wages and health insurance changes be discussed.

Contract Changes

Article 11. Sick Leave/ Attendance Bonus

C. An attendance bonus of one (1) vacation day will be granted to each employee who ~~have two (2) or fewer occurrences of sick use per year~~ uses less than or equal to 8 hours of sick leave. The "year" is January through December with the vacation bonus being credited in January. ~~An occurrence is any one continuous absence, one half hour for a doctor visit or weeks off due to surgery are one occurrence.~~

D. An attendance bonus of two (2) vacation days will be granted to employees who ~~have~~ use zero (0) ~~occurrences~~ hours of sick use per year.

Synopsis: The change allows for uniformity among the different employee units that are entitled to the vacation bonus. Currently non-bargaining employees and the IBEW union are entitled to the bonus.

Article 12. Bereavement Leave ~~Bereavement leave shall be the same as established by the City Policy and documented in the Employee's Handbook, except as otherwise expressly provided herein.~~

~~For the purposes of bereavement leave, immediate family shall be deemed to include spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren, mother-in-law, or father-in-law.~~

Replace with City of Dover Personnel Policy language

Bereavement leave shall be granted to all regular employees and probationary employees who are regularly scheduled to work 20 hours or more per week and who experience a death of a member of the employee's immediate family. Upon request, the employee maybe granted up to three (3) working days leave with pay. If the funeral is more than four hundred (400) miles from the City of Dover, the employee shall be granted up to five (5) working days, with pay, not charged to any leave balance, to arrange for and/or attend the funeral service or related matters. An employee may request additional time beyond the time provided. The City Manager or appropriate city official may grant such additional time to be charged against the employee's sick leave.

> Immediate family is defined for the purpose of this section as spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren plus the various combinations of half, step, in-law and adopted relationships that can be derived from those named, in addition to significant other if not married or separated from spouse, and any relative living with the employee.

The City reserves the right to request verification of the relationship and funeral location.

Hours granted as bereavement time shall be counted as hours worked for purposes of computing overtime and shall not be charged as vacation leave if such occurs while the employee is on vacation.

Synopsis: The change allows for more uniformity among the different employee units. The relationships that are allowed for bereavement leave have been expanded.

Article 34. Weather Emergency

When the ~~Governor of Delaware~~ City Manager declares a weather emergency for Dover and closes ~~State offices; and as a result~~ the City administrative offices ~~also close~~, then those IBEW employees required to report to work or to continue working under the City's inclement weather policy will be compensated with time off on an hour-for-hour basis for each hour they actually work while City offices are closed two or more hours during the normal work week (Monday-Friday.) Furthermore, the City shall not pay overtime to obtain the necessary staffing level to cover any position under this weather emergency policy.

Synopsis: The change allows the City Manager to determine if the City of Dover's weather warrants closure. On occasions the declaration from the Governor is appropriate for other parts of Delaware however not for Dover. The City Manager would be considerate of actions of the Governor in making his decision

Employee Handbook Changes

ARTICLE XIII

OTHER TYPES OF LEAVE

SECTION 1. TERMINAL LEAVE

(d) ~~In order to qualify for terminal leave, an employee must request leave in writing a minimum of forty-five (45) days notice prior to the employee's retirement date unless waived by either the Civilian or Police Pension Committee.~~

ARTICLE XI

SICK LEAVE

SECTION 5. SICK LEAVE - RETIREMENT CREDIT FOR ACCUMULATED SICK LEAVE

Employees hired on or before July 1, 2004 and retire under an approved City Retirement Plan shall be paid in full for a maximum of one hundred fifty (150) days of accrued sick leave if the employee is retiring with 25 or more years of service with the City of Dover. The employee retiring with less than 25 years of service with the City of Dover shall be paid in full for a maximum of one hundred thirty (130) days of accrued sick leave.

In order to be eligible to receive a lump-sum payment of accumulated sick leave, an employee must request in writing a minimum of forty-five (45) days prior to the employee's retirement date.

Synopsis: The City of Dover Personnel policy will be updated this fiscal year. A recommendation will be made to modify the personnel policy to require a 45 day notice for any employee electing to take a lump-sum payment of his or her accumulated sick and vacation leave upon retirement. The requirement of 45 days for terminal leave will no longer be required. The reason for the change is that employees who elect to retire and receive a lump-sum payment causes financial concerns for the budget if the lump-sum is not planned for and it occurs late in the fiscal year.

103.00%	IBEW Wage and Progression Scale To Be Determined - June 30, 2011					
Electrician	**Grade**		**Step A**	**Step B**	**Step C**	**Step D**
Electrician I	18	12 mo	$21.59	$22.24	$23.01	$23.94
Electrician II	20	until licensed	$23.57	$24.27	$25.12	$26.13
Licensed Electrician	21	thereafter	$24.66	$25.40	$26.29	$27.34
Utility Locator						
Utility Locator I	13	24 mo	$17.37	$17.89	$18.52	$19.26
Utility Locator II	14	24 mo	$18.17	$18.71	$19.37	$20.14
Utility Locator III	15	thereafter	$18.95	$19.52	$20.20	$21.01
Electric Meter Technician						
Electric Meter Technician I	16	therafter	$19.76	$20.35	$21.06	$21.90
Electric Meter Technician II	19	therafter	$22.54	$23.21	$24.02	$24.99
Electric Meter Technician Crew Leader	20		$23.57	$24.27	$25.12	$26.13
Relay Technician						
Substation Technician I	18	12 mo	$21.59	$22.24	$23.01	$23.94
Substation Technician II	19	thereafter	$22.54	$23.21	$24.02	$24.99
Substation Technician Crew Leader	20		$23.57	$24.27	$25.12	$26.13
Engineering Fieldman						
Engineering Fieldman I	21	12 mo	$24.66	$25.41	$26.29	$27.34
Engineering Fieldman II	22	thereafter	$25.87	$26.65	$27.58	$28.69
Engineering Fieldman Crew Leader	23		$27.13	$27.94	$28.92	$30.08
System Operator						
System Operator I	22	12 mo	$25.87	$26.65	$27.58	$28.69
System Operator II	23	thereafter	$27.13	$27.94	$28.92	$30.08
System Operator Crew Leader	24		$28.39	$29.24	$30.26	$31.47
T&D Engineering Coordinator						
T&D Engineering Coordinator I	14	24 mo	$18.17	$18.71	$19.37	$20.14
T&D Engineering Coordinator II	15	24 mo	$18.95	$19.52	$20.20	$21.01
T&D Engineering Coordinator III	16	thereafter	$19.76	$20.35	$21.06	$21.90
Electric Draftsman						
Electric Draftsman I	17	24 mo	$20.64	$21.26	$22.00	$22.88
Electric Draftsman II	18	until qualified	$21.59	$22.24	$23.01	$23.94
Electric Draftsman III	19	thereafter	$22.54	$23.21	$24.02	$24.99
SCADA Technician						
SCADA Technician I	20	24 mo	$23.57	$24.27	$25.12	$26.13
SCADA Technician II	21	until qualified	$24.66	$25.41	$26.29	$27.34
SCADA Technician III	22	thereafter	$25.87	$26.65	$27.58	$28.69
Lineman						
Groundsworker I	10	12 mo	$15.31	$15.76	$16.32	$16.97
Groundsworker II	14	thereafter	$18.17	$18.71	$19.37	$20.14
Lineman 3rd Class I	17	12 mo	$20.64	$21.26	$22.00	$22.88
Lineman 3rd Class II	18	thereafter	$21.59	$22.24	$23.01	$23.94
Lineman 2nd Class I	20	12 mo	$23.57	$24.27	$25.12	$26.13
Lineman 2nd Class II	21	thereafter	$24.66	$25.41	$26.29	$27.34
Lineman 1st Class I	23	12 mo	$27.13	$27.94	$28.92	$30.08
Lineman 1st Class II	24	thereafter	$28.39	$29.24	$30.26	$31.47
Lineworker Crew Leader	25	thereafter	$30.37	$31.28	$32.38	$33.68

102.00%	IBEW Wage and Progression Scale July 1, 2011 - June 30, 2012					
Electrician	**Grade**		**Step A**	**Step B**	**Step C**	**Step D**
Electrician I	18	12 mo	$22.02	$22.68	$23.48	$24.41
Electrician II	20	until licensed	$24.04	$24.76	$25.63	$26.65
Licensed Electrician	21	thereafter	$25.15	$25.91	$26.81	$27.89
Utility Locator						
Utility Locator I	13	24 mo	$17.72	$18.25	$18.89	$19.65
Utility Locator II	14	24 mo	$18.53	$19.09	$19.76	$20.55
Utility Locator III	15	thereafter	$19.33	$19.91	$20.61	$21.43
Electric Meter Technician						
Electric Meter Technician I	16	therafter	$20.15	$20.76	$21.48	$22.34
Electric Meter Technician II	19	therafter	$22.99	$23.68	$24.51	$25.49
Electric Meter Technician Crew Leader	20		$24.04	$24.76	$25.63	$26.65
Relay Technician						
Substation Technician I	18	12 mo	$22.02	$22.68	$23.48	$24.41
Substation Technician II	19	thereafter	$22.99	$23.68	$24.51	$25.49
Substation Technician Crew Leader	20		$24.04	$24.76	$25.63	$26.65
Engineering Fieldman						
Engineering Fieldman I	21	12 mo	$25.15	$25.92	$26.81	$27.89
Engineering Fieldman II	22	thereafter	$26.39	$27.18	$28.13	$29.26
Engineering Fieldman Crew Leader	23		$27.67	$28.50	$29.50	$30.68
System Operator						
System Operator I	22	12 mo	$26.39	$27.18	$28.13	$29.26
System Operator II	23	thereafter	$27.67	$28.50	$29.50	$30.68
System Operator Crew Leader	24		$28.95	$29.82	$30.87	$32.10
T&D Engineering Coordinator						
T&D Engineering Coordinator I	14	24 mo	$18.53	$19.09	$19.76	$20.55
T&D Engineering Coordinator II	15	24 mo	$19.33	$19.91	$20.61	$21.43
T&D Engineering Coordinator III	16	thereafter	$20.15	$20.76	$21.48	$22.34
Electric Draftsman						
Electric Draftsman I	17	24 mo	$21.05	$21.69	$22.44	$23.34
Electric Draftsman II	18	until qualified	$22.02	$22.68	$23.48	$24.41
Electric Draftsman III	19	thereafter	$22.99	$23.68	$24.51	$25.49
SCADA Technician						
SCADA Technician I	20	24 mo	$24.04	$24.76	$25.63	$26.65
SCADA Technician II	21	until qualified	$25.15	$25.92	$26.81	$27.89
SCADA Technician III	22	thereafter	$26.39	$27.18	$28.13	$29.26
Lineman						
Groundsworker I	10	12 mo	$15.61	$16.08	$16.64	$17.31
Groundsworker II	14	thereafter	$18.53	$19.09	$19.76	$20.55
Lineman 3rd Class I	17	12 mo	$21.05	$21.69	$22.44	$23.34
Lineman 3rd Class II	18	thereafter	$22.02	$22.68	$23.48	$24.41
Lineman 2nd Class I	20	12 mo	$24.04	$24.76	$25.63	$26.65
Lineman 2nd Class II	21	thereafter	$25.15	$25.92	$26.81	$27.89
Lineman 1st Class I	23	12 mo	$27.67	$28.50	$29.50	$30.68
Lineman 1st Class II	24	thereafter	$28.95	$29.82	$30.87	$32.10
Lineworker Crew Leader	25	thereafter	$30.98	$31.91	$33.03	$34.35

ACTION FORM

PROCEEDING: City Council	**AGENDA ITEM**:
DEPARTMENT OF ORIGIN: Public Utilities	**DATE SUBMITTED**: 01/13/2011
PREPARED BY: Ron Lunt, Public Utilities Director	
SUBJECT: Route 13 Sewer Interceptor Unit Cost True-up	
REFERENCE: US 13 West Sanitary Sewer Interceptor Contract	
RELATED PROJECT: N/A	
APPROVALS: City Manager, Controller	
EXHIBITS: Detailed Contract Items and Project Tracking Report	
EXPENDITURE REQUIRED: **$275,890** **AMOUNT BUDGETED**: **$3,201,480**	
FUNDING SOURCE (Dept./Page in CIP & Budget): Water Wastewater – Wastewater Mgmt., Account 412-6900-569-40-31, project WW0810, CIP FY 10, page 174. This project is funded through the Delaware Water Pollution Control Revolving Loan Fund program which is administered by DNREC, Division of Water Resources.	
TIMETABLE: Contractor to be paid upon Council approval.	
RECOMMENDED ACTION: Approve the Unit Cost True-up/Change Order submitted by Eastern States Construction Services, Inc. in the amount of $275,890 for the finalization of overages/ underage's of the unit cost items per the original bid form dated November 18, 2009.	

BACKGROUND AND ANALYSIS

The Route 13 Sewer Interceptor project was recently completed and is now in operation. The original bid form contained unit prices for items that were based on estimated quantities for a specific material or service to be provided by the contractor. For example, due to the historic high water table at the start of the project the contractor had to provide more well pointing services than anticipated in order to properly install the sewer pipe. The estimated number of days specified in the bid form was 70 days; however, the contractor provided well pointing for a total of 261 days; therefore, per the contract the City is required to pay the difference of 191 days at the unit price of $750.00 per day for a total of $143,250. The other contingency items included dewatering, additional undercut excavation, removal of unsuitable fill, and the installation of additional borrow material as well credits for work not required. The detailed Contract Items attachment summarizes all of the adjustments. See attached project tracking report for the financial summary of the project.

Since the project is completed, this will be the final true up/change order for the installation of the Interceptor. It should be noted that during the design phase of the project geotechnical testing was performed and based on these test the engineer developed the estimates for the dewatering contract items. It was after these tests that we had a sharp increase in the groundwater level; thereby, resulting in the underestimation of the unit quantities.

The contractor is installing the Del Tech/Del State force main under a change order approved by Council on October 11, 2010, and once this is completed the contract will be closed.

TRACKING REPORT

PROJECT: US 13 West Sanitary Sewer Interceptor Contract

Account Number: 417-6900-569.40-31
Project Number: WW0810

Budgeted Amount for FY 10 $ 3,201,480
2010 Capital Investment Plan Page 174

Date Approved	Council/Committee	Name of Action Form/ Vendor	Expenditure Amount
12/04/09	Council	**Authorized Construction of Project -** Staff recommends awarding to low bidder, Eastern States Construction, Inc. in the amount of $2,308,800 to install 5,670 linear feet of sanitary sewer on the west side of Route 13.	**$2,308,800.00**
N/A	N/A	**Engineering/Inspection Services - KCI Technologies, Inc.** KCI provided the engineering, design, and inspection services for this project. The are one of two Council approved engineering contractors working for the City under a blanket contract.	**$153,350.00**
09/13/10	N/A	**Change Order #1 - Eastern States Construction, Inc. -** Change order #1 approved due to unknown sub-surface perforated retention system under the sewer alignment that was unknown. Cost is for lost time and expenses related to the project shut down and the required cleaning of the perforated retention system.	**$5,986.21**
10/11/10	Council	**Change Order #2 - Eastern States Construction, Inc. -** Change order #2 consisted of the construction of the rerouting of the Del. State / Del. Tech Force Main Rerouting project. This project will consist of the installation of approximately 1,000 feet of 16-inch diameter ductile iron pipe.	**$240,300.00**
01/24/11	Council	**Change Order #3 - Eastern States Construction, Inc. -** Change order #3 (Unit Cost True-up/Change Order) consists of the finalization of all the Unit Cost items per the original bid form dated November 18, 2009.	**$275,890.00**
SUMMARY OF APPROVED/PENDING EXPENDITURES FOR THE PROJECT			**$2,984,326.21**

Total To Date	Proposed		Change Order		CONTRACT ITEMS	Unit Prices	AMOUNT		
							Proposed	Total To Date	Change Order
100%	1	LS	-	1	Mobilization / Demobilization	$200,000.00	$200,000.00	200,000.00	
100%	1	LS	-	2	Maintenance of Traffic	$50,000.00	$50,000.00	50,000.00	
5.00	2	EA	3.00	3	Temporary Gravel Access Driveway	$2,500.00	$5,000.00	12,500.00	7,500.00
100%	1	LS	-	4	Bypass Plumbing	$15,000.00	$15,000.00	15,000.00	
41.00	5	EA	36.00	5	Test Holes	$2,500.00	$12,500.00	102,500.00	90,000.00
101.00	99	LF	2.00	6	W. Rustic Microtunnel Including 48"Casing Pipe	$1,750.00	$173,250.00	176,750.00	3,500.00
192.00	192	LF	-	7	RT-13 Microtunnel Including 48" Casing Pipe	$1,750.00	$336,000.00	336,000.00	
437.00	400	CY	37.00	8	W. Rustic Microtunnel Pits	$50.00	$20,000.00	21,850.00	1,850.00
543.00	400	CY	143.00	9	RT-13 Microtunnel Pits	$50.00	$20,000.00	27,150.00	7,150.00
101.00	99	LF	2.00	10	24" Sanitary Sewer Through 48" Steel Casing	$200.00	$19,800.00	20,200.00	400.00
192.00	192	LF	-	11	27" Sanitary Sewer Through 48" Steel Casing	$200.00	$38,400.00	38,400.00	
4.00	5	EA	(1.00)	12	Plug Abandoned Sewer	$500.00	$2,500.00	2,000.00	(500.00)
2.00	2	EA	-	13	Abandon Manholes and Fill with Aggregate	$1,500.00	$3,000.00	3,000.00	
1	1	LS	-	14	Abandon Pump Station and Force Main	$15,000.00	$15,000.00	15,000.00	
274.00	297	LF	(23.00)	15	12" PVC SDR-26 Sanitary Sewer Pipe	$150.00	$44,550.00	41,100.00	(3,450.00)
717.00	717	LF	-	16	24" PVC SDR-26 Sanitary Sewer Pipe	$200.00	$143,400.00	143,400.00	
4,389.50	4371	LF	18.50	17	27" PVC SDR-26 Sanitary Sewer Pipe	$200.00	$874,200.00	877,900.00	3,700.00
104.00	137	LF	(33.00)	18	PVC Sanitary Sewer Lateral Connections and Stubs	$100.00	$13,700.00	10,400.00	(3,300.00)
4.00	4	EA	-	19	PVC SDR-26 Cleanouts	$1,000.00	$4,000.00	4,000.00	
1.00	1	EA	-	20	Inside Drop Manhole	$10,000.00	$10,000.00	10,000.00	
5.00	6	EA	(1.00)	21	Sanitary Manholes-Type A	$7,500.00	$45,000.00	37,500.00	(7,500.00)
14.00	14	EA	-	22	Sanitary Manholes-Type B	$10,000.00	$140,000.00	140,000.00	
3.00	2	EA	1.00	23	Rechannel Existing Manholes	$1,500.00	$3,000.00	4,500.00	1,500.00
38.00	30	CY	8.00	24	Flowable Fill	$300.00	$9,000.00	11,400.00	2,400.00
1	1	LS	-	25	Erosion and Sediment Controls	$35,000.00	$35,000.00	35,000.00	
			-		**Contingency Bid Items**				
183.00	70	PERDY	113.00	26	Dewatering	$250.00	$17,500.00	45,750.00	28,250.00
261.00	70	PERDY	191.00	27	Well Pointing	$750.00	$52,500.00	195,750.00	143,250.00
191.00	100	CY	91.00	28	Undercut Excavation	$20.00	$2,000.00	3,820.00	1,820.00
-	100	CY	(100.00)	29	Borrow	$25.00	$2,500.00		(2,500.00)
191.00	100	CY	91.00	30	Unsuitable Fill	$20.00	$2,000.00	3,820.00	1,820.00
							$2,308,800.00	$2,584,690.00	$275,890.00

DEPARTMENT OF POLICE

Jeffrey Horvath
Chief of Police
F.B.I.N.A.

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

RECEIVED
JAN 06 2011
OFFICE OF THE CITY CLERK

January 5, 2011

Traci McDowell
City Clerk
Dover City Hall
PO Box 475
Dover, DE 19903

Dear Traci:

The Police Pension Board term of Retired Lt. Timothy P. Mullaney, Sr. will expire on January 31, 2011. Pursuant to Section 18-47 of the pension plan, a request for nominations was posted with an announcement of election to fill the vacancy on January 19 and 20, 2011. One nomination was received, therefore, no election will be held.

I hereby nominate Retired Lt. Timothy P. Mullaney, Sr. to serve a three-year term on the Pension Board, commencing February 1, 2011 and ending January 31, 2014, subject to confirmation of a voting majority of City Council.

If you need additional information, please call me at (302) 736-7100.

Sincerely,

James E. Hosfelt, Jr.
Chief of Police

JH/dmm

FIRST READING

CITY OF DOVER PROPOSED ORDINANCE #2010-01

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

That Chapter 102 – Taxation, Article I - In General, Section 102-1 - Valuation and Assessment, be amended by deleting the text indicated in red strikeout as follows:

Sec. 102-1. Valuation and assessment.

Section 47 of the Charter provides that an impartial valuation and assessment of all real property within the city shall be conducted by the city assessor every third year. The council may also direct that in lieu of the reassessment and valuation by the city assessor, such reassessment and valuation may be done by an outside appraiser chosen by the council. Pursuant to section 47 of the Charter, commencing with the year 2010 and every ninth year thereafter, the valuation and assessment of all real property shall be conducted by an outside appraiser chosen by the council. All property shall be valued as to its status; as of its ownership; and as of its current market value as of the January 1st assessment date~~*; except if improvements are not deemed by the assessor to be complete; property shall be partially valued if construction has ceased for 90 days as of the January 1st assessment date*~~.

ADOPTED: *

SYNOPSIS

The proposed ordinance amendment provides language that property shall be valued as to its status; as of its ownership; and as of its current market value.

Actions History

January 24, 2011 - First Reading - Council
January 10, 2011 - Considered by Legislative, Finance, and Administration Committee
January 11, 2010 - Legislative, Finance, and Administration Committee Referred Back to Staff to Work with Real Estate Community

Draft

CITY OF DOVER PROPOSED ORDINANCE #2011-02

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, be amended by inserting a new Section 102-117 - Construction of new facility, as follows:

Sec. 102-117. Construction of new facility.

(a) *Tax abatement benefit.* During the construction of a new facility or an expanded facility, meaning after the issuance of a building permit and prior to the issuance of a Certificate of Occupancy, improvements less than one hundred percent (100%) complete by January 1 shall be eligible for an abatement of City real estate taxes.

(b) *Application. Eligibility.*

(1) Separate application under this subsection shall be submitted to the Office of the Assessor pursuant to the requirements of section 102-114 (a) no later than thirty days after notice of eligibility is issued.

(2) Applicants must certify that they are in good standing pursuant to section 1-13 of the City Code. All construction must be active at the time of application.

(c) *Limitation on applicability.*

(1) Abatement under this subsection may not exceed a period of 12 months.

(2) Notwithstanding other provisions of this subsection, the abatement period may, at the discretion of the Assessor, be extended for a period not to exceed an additional 12 months for good cause shown. Good cause includes, but is not limited to, increase in the scope of the project, acts of nature, and, as long as no party with control of the new facility is at fault, fire or vandalism. Abandonment of a project shall not be considered good cause.

(d) *Right to appeal.* Any aggrieved taxpayer shall have the right to appeal the decision of the Assessor to the City Council. Appeals must be filed with the Council not more than ten (10) days after the date the written decision of the Assessor is issued.

ADOPTED: *

SYNOPSIS

This ordinance will provide for application for abatement of taxes, if the eligibility requirements outlined in subsection (b) are met.

Actions History
January 24, 2011 - First Reading - Council
January 10, 2011 - Considered by Legislative, Finance, and Administration Committee

Draft

FIRST READING

CITY OF DOVER
ORDINANCE #2011-03

AN ORDINANCE AMENDING THE 2008 COMPREHENSIVE PLAN BY REPLACING TABLE 12-1: LAND USE AND ZONING MATRIX, AND MAP 12-1: LAND DEVELOPMENT PLAN

WHEREAS, the City Council of the City of Dover, on February 9, 2009, adopted the 2008 Comprehensive Plan pursuant to Title 22, Section 702 of the Delaware Code; and

WHEREAS, the Honorable Jack Markell, Governor of the State of Delaware, certified the 2008 Comprehensive Plan on April 24, 2009; and

WHEREAS, the City Council of the City of Dover, on November 23, 2009, adopted the 2009 Comprehensive Rezoning Project and 2009 Comprehensive Plan Amendments; and

WHEREAS, the City Council of the City of Dover, on June 4, 2010, adopted an amendment to the *Zoning Ordinance* creating the Recreational and Open Space Zone; and

WHEREAS, the City Council of the City of Dover, on August 9, 2010, adopted the 2010 Recreational and Open Space Zone Map Amendments; and

WHEREAS, the 2008 Comprehensive Plan allows for an annual amendment process; and

WHEREAS, the Planning Staff has identified necessary changes to the Land Development Plan Map (Map 12-1) and the Land Use and Zoning Matrix (Table 12-1) of the 2008 Comprehensive Plan, as amended on November 23, 2009; and

WHEREAS, two property owners have requested amendments to the Land Development Plan Map (Map 12-1) in accordance with the process set forth in the 2008 Comprehensive Plan; and

WHEREAS, the Planning Commission held a public hearing on February 22, 2011, after which the Commission made a recommendation in regards to the proposed amendments to the Land Development Plan and the Land Use and Zoning Matrix.

NOW, THEREFORE, BE IT ORDAINED THAT the Mayor and Council of the City of Dover hereby amend Chapter 12: Land Development Plan, Table 12-1: Land Use and Zoning Matrix and Map 12-1: Land Development Plan of the 2008 Comprehensive Plan, as amended on November 23, 2009, by replacing the referenced table and map with the Amended Table 12-1 and Map 12-1 presented to City Council on March 14, 2011.

SYNOPSIS

The proposed ordinance would adopt amendments to the 2008 Comprehensive Plan, as amended on November 23, 2009.

DRAFT

Table 12-1 Land Use and Zoning Matrix

Land Use Category	Zoning District
Residential Low Density	R-20 (One Family Residential) R-15 (One Family Residential) R-10 (One Family Residential) R-8 (One Family Residential) R-7 (One Family Residential) C-1 (Neighborhood Commercial)
Residential Medium Density	R-8 (One Family Residential) R-7 (One Family Residential) RM-1 (Medium Density Residential) RM-2 (Medium Density Residential) RG-1 (General Residential) RG-2 (General Residential) RG-3 (Group Housing) RGO (General Residence and Office) C-1 (Neighborhood Commercial) MHP (Mobile Home Park)
Residential High Density	RM-2 (Medium Density Residential) RGO (General Residence and Office) RG-1 (General Residential) RG-2 (General Residential) RG-3 (Group Housing Residential) RG-4 (High Rise Residential) RG-5 (Mid Rise Residential) MHP (Mobile Home Park) C-1 (Neighborhood Commercial)
Commercial	C-1 (Neighborhood Commercial) C-1A (Limited Commercial) C-2 (Central Commercial) C-2A (Limited Central Commercial) C-3 (Service Commercial) C-4 (Highway Commercial) SC-1 (Shopping Center Commercial) SC-2 (Shopping Center Commercial) SC-3 (Shopping Center Commercial) RC (Recreational and Commercial) RGO (General Residence and Office) CPO (Commercial/Professional Office) IO (Institutional and Office)

Mixed-Use	C-2 (Central Commercial) (Downtown Target Area Only) C-2A (Limited Central Commercial) TND (Traditional Neighborhood Design) C-1 (Neighborhood Commercial) C-1A (Limited Commercial) RGO (General Residence and Office) (Downtown Target Area Only) R-8 (One Family Residence) R-10 (One Family Residence) RG-1 (General Residence) RG-2 (General Residence) RG-4 (Multi-Story Apartments) C-3 (Service Commercial) CPO (Commercial/Professional Office) IO (Institutional and Office)
Industrial and Public Utilities	M (Manufacturing) IPM (Industrial Park Manufacturing) IPM-2 (Technology Center Manufacturing) C-3 (Service Commercial)
Institutional	IO (Institutional and Office) Institutional uses may be conditionally permitted in residential zones
Office and Office Parks	CPO (Commercial/Professional Office) IO (Institutional and Office) IPM (Industrial Park Manufacturing) RGO (General Residence and Office)
Active Agriculture	A (Agriculture)
Open Space	ROS (Recreational and Open Space RC (Recreational and Commercial)



City of Dover, Delaware

Map 12-1A
Land Development Plan
Proposed Amendments

Legend

- Institutional
- Residential High Density
- Residential Low Density
- Residential Medium Density
- Dover Boundary
- Dover Parcels

Adopted February 2009

0 1,100 2,200 4,400 6,600 8,800 Feet

Map Created By:
Planning Office
Date Map Created: 12-14-10
Date Map Printed: 12-20-10

2011 City of Dover Land Development Plan Map Changes 12-1						
ID	**Parcel #**	**Existing Land Use Classification**	**Proposed Land Use Classification**	**Use**	**Current Zoning**	**Proposed Zoning**
1	ED-05-076.20-03-31.01	Open Space, Conservation, Recreation	Residential Low Density	Residential	R-10	R-10
2	ED-05-086.05-01-08.00	Open Space, Conservation, Recreation	Residential Low Density	Residential	R-10	R-10
3	ED-05-086.05-01-09.00	Open Space, Conservation, Recreation	Institutional	Institutional	IO	IO
4	ED-05-076.13-04-36.00	Open Space, Conservation, Recreation	Residential Medium Density	Residential	RM-1	RM-1
5	ED-05-067.14-01-24.00	Open Space, Conservation, Recreation	Residential Low Density	Residential	R-10	R-10
7	ED-05-067.00-03-07.00	Open Space, Conservation, Recreation	Residential Low Density	Vacant	RM-1	RM-1
8	ED-05-067.14-03-49.00	Open Space, Conservation, Recreation	Residential Medium Density	Residential	R-8	R-8
9	ED-05-068.19-01-37.00	Open Space, Conservation, Recreation	Residential Medium Density	Residential	R-20	R-20
10	ED-05-068.15-01-09.00	Open Space, Conservation, Recreation	Residential Medium Density	Residential	R-10	R-10
11	Ed-05-068.15-01-06.00	Open Space, Conservation, Recreation	Residential Medium Density	Residential	R-10	R-10
12	ED-05-068.15-01-08.00	Open Space, Conservation, Recreation	Residential Medium Density	Residential	R-10	R-10
13	ED-05-068.09-01-54.00	Open Space, Conservation, Recreation	Residential Medium Density	Residential	RG-3	RG-3
14	ED-05-068.13-01-03.00	Open Space, Conservation, Recreation	Residential Medium Density	Residential	R-8	R-8
15	ED-05-068.17-01-25.00	Open Space and Residential Medium Density	Residential Medium Density	Residential	R-8	R-8
16	ED-05-086.05-01-01.00	Open Space, Conservation, Recreation	Residential Low Density	Vacant	R-10	R-10
17	ED-05-076.07-01-30.00	Institutional	Residential High Density		IO	RG-5
18	ED-05-067.00-02-55.00	Industrial	Residential High Density		M	RG-5
19	ED-05-067.00-02-54.00	Industrial	Residential High Density		M	RG-5
20	ED-05-067.00-02-53.00	Industrial	Residential High Density		M	RG-5
21	ED-05-067.00-02-56.00	Industrial	Residential High Density		M	RG-5

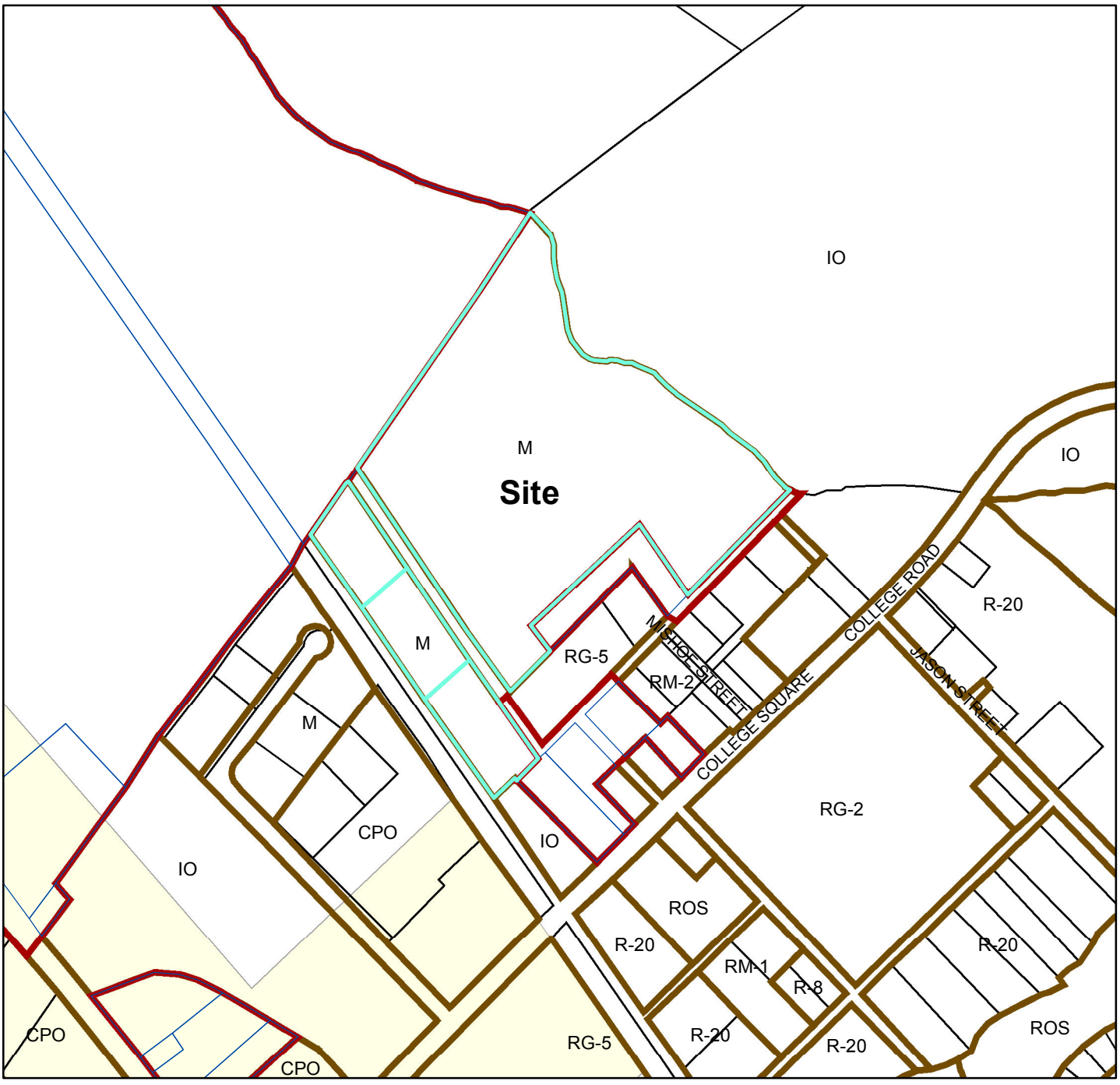
PETITION TO AMEND AND ZONING DISTRICT
First Reading before the Dover City Council
January 24, 2011

Applicants/Owners:	College Road Management, LLC Loralex Company, LLC Kent Storage Facilities, LLC
Address:	1.696 Ac. Grove St., Dover LT 207-211 College Settlement, Dover LT 212-215 College Settlement, Dover LT 197-201 College Settlement, Dover
Location:	North side of College Road, east of the Railroad tracks, north of Mishoe Estates and Mishoe Towers
Tax Parcel ID #s:	ED-05-067.00-02-53.00-000 ED-05-067.00-02-54.00-000 ED-05-067.00-02-55.00-000 ED-05-067.00-02-56.00-000
Size:	30.78+/- acres
Present Use:	Vacant
Present Comprehensive Plan Designation:	Industrial and Public Utilities
Proposed Comprehensive Plan Designation:	Residential High Density
Present Zoning:	M (Manufacturing Zone)
Proposed Zoning:	RG-5 (General Residence for Mid-Rise Apartments Zone)
Reason for Request:	To allow for the development of residential dwellings.
File Number:	Z-11-02

City of Dover

Department of Planning & Inspections

Application No.: Z-11-02



Plan Title: College Road Management, LLC
Location: Railroad Ave.
Plan Type: Rezoning
Tax Parcels: ED-05-067.00-02-56.00
ED-05-067.00-02-55.00, ED-05-067.00-02-54.00, and
ED-05-067.00-02-53.00
Current Zoning: IO
Propsoed Zoning: RG-5
Owners: Kent Storage Facilities, LLC., Loralex Co, LLC
and College Road Management, LLC
Date: 1-13-11

Legend

- Dover Parcels
- Dover Boundary
- Zoning
- Corridor Overlay Zone

0 300 600 1,200 Feet

N W E S

FIRST READING

CITY OF DOVER
PROPOSED ORDINANCE #2011-04

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT GROVE STREET AND RAILROAD AVENUE

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 M (Manufacturing Zone) to RG-5 (General Residence Zone for Mid-Rise Apartments).

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

1. That from and after the passage and approval of this ordinance the Zoning Map and Zoning Ordinance of the City of Dover have been amended by changing the zoning designation from M (Manufacturing Zone) to RG-5 (General Residence Zone for Mid-Rise Apartments) on that property located at Grove Street and Railroad Avenue, north of College Road and east of the railroad corridor and Railroad Avenue, consisting of four (4) parcels of land totaling $30.78^{+/-}$ acres, owned by College Road Management, Inc.; Kent Storage Facilities, LLC; and Loralex Company, LLC.
   (Tax Parcels: ED05-067.00-02-53.00-000, ED05-067.00-02-54.00-000, ED05-067.00-02-55.00-000, and ED05-067.00-02-56.00-000; Planning Reference Z-11-02)

ADOPTED: *

S:\PACKETS\2011\Council\01-24-2011\A. Proposed Ordinance #2011-04 - Property Located at Grove Street and Railroad Avenue.wpd

Actions History
January 24, 2011 - Proposed First Reading - Council

Draft

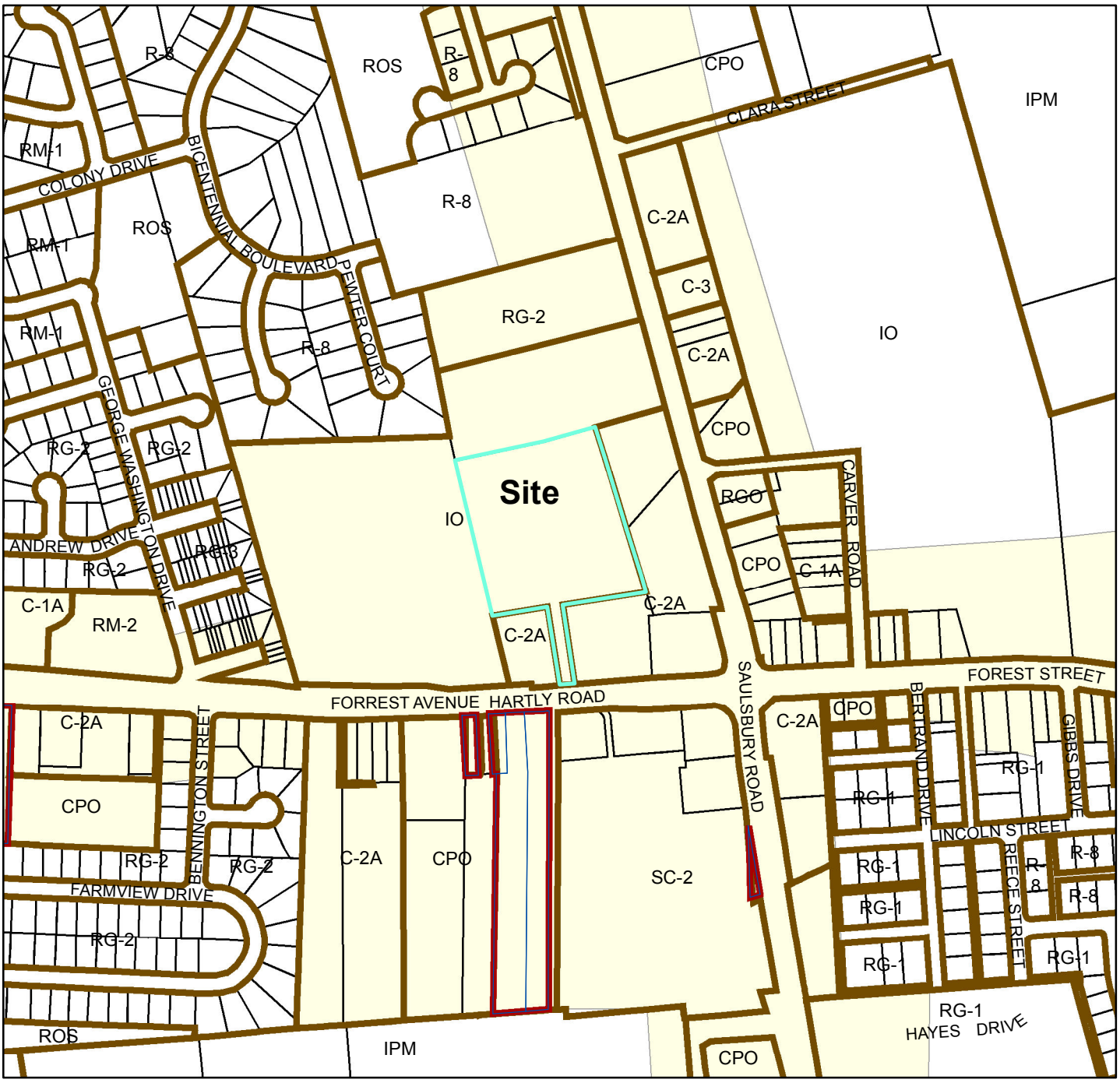
PETITION TO AMEND AND ZONING DISTRICT
First Reading before the Dover City Council
January 24, 2011

Applicants/Owners:	CRM Mid-Atlantic, LLC Sun Trust Bank
Address:	101-405 DoveView Drive, Dover
Location:	North side of Forrest Avenue, west of Saulsbury Road,
Tax Parcel ID #:	ED-05-076.07-01-30.00-000
Size:	6.735+/- acres
Present Use:	Vacant Apartment Buildings- partially constructed
Present Comprehensive Plan Designation:	Institutional
Proposed Comprehensive Plan Designation:	Residential High Density
Present Zoning:	IO (Institutional/Office Zone) COZ-1 (Corridor Overlay Zone)
Proposed Zoning:	RG-5 (General Residence for Mid-Rise Apartments Zone) COZ-1 (Corridor Overlay Zone)
Reason for Request:	To allow for the development of residential dwellings.
File Number:	Z-11-03

City of Dover

Department of Planning & Inspections

Application No.: Z-11-03



Plan Title: DoveView
Location: 101-405 Doveview Dr.
Plan Type: Rezoning
Tax Parcel: ED-05-076.07-01-30.00
Current Zoning: IO, COZ-1
Propsoed Zoning: RG-5, COZ-1
Owner: CRM Mid-Atlantic, LLC
Sun Trust Bank
Date: 1-13-11

Legend

- Dover Parcels
- Zoning
- Corridor Overlay Zone

0 300 600 1,200 Feet

FIRST READING

CITY OF DOVER
PROPOSED ORDINANCE #2011-05

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT 101-405 DOVEVIEW DRIVE

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 IO (Institutional and Office Zone) and subject to COZ-1 (Corridor Overlay Zone) to RG-5 (General Residence Zone for Mid-Rise Apartments) and subject to COZ-1 (Corridor Overlay Zone).

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

1. That from and after the passage and approval of this ordinance the Zoning Map and Zoning Ordinance of the City of Dover have been amended by changing the zoning designation from IO (Institutional and Office Zone) and subject to COZ-1 (Corridor Overlay Zone) to RG-5 (General Residence Zone for Mid-Rise Apartments) and subject to COZ-1 (Corridor Overlay Zone) on that property located at 101-405 Doveview Drive (on the north side of Forrest Avenue (Route 8) just west of the Saulsbury Road intersection), consisting of $6.735^{+/-}$ acres, owned by CRM Mid-Atlantic, LLC and SunTrust Bank.
(Tax Parcel: ED05-076.07-01-30.00-000; Planning Reference: Z-11-03)

ADOPTED: *

S:\PACKETS\2011\Council\01-24-2011\B. Proposed Ordinance 2011-05 - Property Located at 101-405 Doveview Drive.wpd

Actions History
January 24, 2011 - Proposed First Reading - Council

Draft