REGULAR COUNCIL MEETING

A G E N D A

November 24, 2008 - 7:30 P.M. - Council Chambers - City Hall - City of Dover

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

INVOCATION BY CHAPLAIN WALLACE DIXON

PLEDGE OF ALLEGIANCE

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 - Council Workshop of November 3, 2008
- Regular Council Meeting of November 10, 2008

2. Certificates of Recognition
   A. Young Studio 55th Anniversary
   B. Eric Young 20th Anniversary with Young Studio

* 3. Utility Committee Report - November 10, 2008
   A. Electric Projects - Financing
      (Committee action not required)
   B. PACE/NAES Monthly Reports *(July, August, and September)*
      (Committee recommended acceptance of the PACE/NAES Monthly Reports for July, August, and September 2008)

* 4. Legislative, Finance, and Administration Committee Report - November 10, 2008
   A. City of Dover Identity Theft Prevention Policy
      (Committee recommended acceptance of the draft City of Dover Identity Theft Prevention Policy)
   B. Charter Review - Amended Scope
      (Committee recommended approval of the amended scope for the Charter Review for members of Council to identify those items they wish to have considered to be placed on the committee's agenda in January/February of each year)

* 4. Legislative, Finance, and Administration Committee Report - November 10, 2008 (Continued)

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

D. Power Supply Hedges - Letter of Credit
(Committee recommended approval of staff's recommendation that the City Manager be authorized to sign the Collateral Annex to the EEI Master Agreement to authorize the Controller/Treasurer to post cash collateral when required by the terms of the EEI Master Agreement in an interest bearing Escrow Account using Reserve Funds. To provide City Council with notification of execution of the Collateral Annex and establishment of Escrow Accounts and related balances)

* 5. Parks, Recreation, and Community Enhancement Committee Report - November 10, 2008

A. Ordinance SS#2 to #2008-39 - Appendix B - Zoning, Article 5 - Supplementary Regulations, Section 10 - Open Space, Recreation and Other Public Facilities, Subsection 10.5 - Exemption to Recreation Area and Open Space Dedication
(Committee recommended adoption of Ordinance SS#2 to 2008-39)
(See Item #9-A)

B. **Ordinance #2008-41** - Appendix C - Downtown Redevelopment, Article IV - Development Incentives
(Committee recommended against adoption of Ordinance #2008-41)

C. Updates

6. Evaluation of Bids - Property Reassessment Services

* 7. Election of Officers - Robbins Hose Company

A. Special Election to Fill Vacancy - First Fire Line Captain - Brian Hoyt *(Term to Expire December 31, 2008)*

B. Regular Election of 2009 Fire Line Officers

Fire Chief	-	Paul Strochine *(Unopposed)*
Deputy Fire Chief	-	Sean Christiansen *(Unopposed)*
First Assistant Fire Chief	-	Glenn Whitt *(Unopposed)*
Second Assistant Fire Chief	-	Cole Enright
Fourth Assistant Fire Chief	-	Derek Larson *(Unopposed)*
First Fire Line Captain	-	David Knight
Second Fire Line Captain	-	Carl Troubetaris *(Unopposed)*

C. Appointment to Fill Vacancy - Third Assistant Fire Chief - Jason Osika *(Term to Expire December 31, 2009)*

8. Rezoning Request/First Reading *(Recommended for referral to the Planning Commission on December 15, 2008 and that a Public Hearing be set for January 12, 2009 at 7:30 p.m.)*

A. Property located at 1002 and 1008 South Governors Avenue and 210 and 218 Wyoming Avenue (Governors Avenue Animal Hospital), consisting of four parcels totaling $0.8379^{+/-}$ acres ($36{,}497^{+/-}$ Square Feet), owned by Governors Avenue Realty, LLC and Janice L. Sosnowski. The properties are currently zoned C-1 (Neighborhood Commercial Zone) and the proposed zoning is C-1A (Limited Commercial Zone). Tax Parcels: ED-05-077.17-06-20.00-000, ED-05-077.17-06-31.00-000, ED-05-077.17-06-32.00-000, and ED-05-077.17-06-33.00-000 (File Reference Z-08-12)

9. First Reading - Proposed Zoning Text Amendment
   The First Reading is offered on the following proposed ordinance. Since it is an amendment to the Zoning Code, they are recommended for referral to the Planning Commission on December 15, 2008, and that a Public Hearing be set for January 12, 2009 at 7:30 p.m. and that the Second Reading and Final Action by Council take place at that time. Copies of all proposed ordinances are available at the entrance of the Council Chambers or can be obtained from the City Clerk's Office.

   A. **Ordinance SS#2 to #2008-39** - Appendix B - Zoning, Article 5 - Supplementary Regulations, Section 10 - Open Space, Recreation and Other Public Facilities, Subsection 10.5 - Exemption to Recreation Area and Open Space Dedication
      (Parks, Recreation, and Community Enhancement Committee)

10. Council Members Announcements

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COUNCIL WORKSHOP

A Council Workshop was held on November 3, 2008 at 7:30 p.m. with Council President Hogan presiding. Council members present were Mr. Leary, Mrs. Russell, Mr. McGlumphy, Mr. Slavin, Mr. McGiffin, Mrs. Williams, Mr. Salters, and Mr. Ruane.

Council staff members present were Mr. DePrima, Mrs. Mitchell, and Mrs. McDowell.

AGENDA ADDITIONS/DELETIONS

Mr. Slavin moved for approval of the agenda, seconded by Mr. Salters and unanimously carried.

COLA/Pension Plan

During the Civilian Pension Board Meeting of March 26, 2008, members were presented with various options for alternative COLA funding and it was suggested that the options would be presented to Council for a final determination and that the Board should prioritize the options for their consideration. After much discussion, it was suggested that a workshop be scheduled with City Council and that Mr. Hogan (as Chairman of the Civilian Pension Board) would work with the Treasurer/Controller to prepare a presentation.

Council President Hogan relinquished the chair to Councilman Salters since he would be making the City's Pension Plan Presentation.

Council President Hogan reviewed the Defined Benefit Pension Plan Presentation (***Exhibit #1***), which included details regarding the Deferred Compensation Plan (Money Purchase Plan - Internal Revenue Code 401a). He noted that a petition has been submitted by several employees requesting that the City re-open the Defined Pension Benefit Plan; however, at this time, it has been provided for informational purposes only.

Mrs. Mitchell, Controller/Treasurer, reviewed the Actuary Analysis information provided in the Presentation (*see Exhibit #1*).

Council President Hogan stated that although no decision will be made at this time, there are two (2) major issues to be discussed: 1) the closing of the Defined Pension Benefit Plan; and 2) Cost of Living Adjustments for the Pension Plans.

Referring to the Actuary Analysis, Mr. Leary noted that there is a 41.84% funding ratio and questioned if it has decreased. Responding, Mrs. Mitchell stated that on July 1, 2007 the funding ratio was 45%; therefore, there has been a 3% decrease as of July 1, 2008 (funding ratio rounded to 42%). She stated that a more acceptable level, according to Mr. Pike, the City's Actuarial, would be a minimum of 70%. The plan has been underfunded for several years. Mr. Leary stated that the unfunded liability is a grave issue that members should address prior to taking any further action.

Responding to Mr. Salters, Mrs. Mitchell explained that the column titled "Increasing Amortization" on the graph depicting the annual payments to amortize the $24,418,821 unfunded liability represents the payments necessary if the plan remains opened and the column titled "Level Dollar Amortization" represents the payments necessary if the plan is closed. As indicated, she confirmed

that the annual payments would fully fund the plan in 16 years if there are no changes to the assumptions.

At the request of Mrs. Williams, Mrs. Mitchell stated that she would provide the number of employees that are added per year and how it changes the amount of unfunded liability.

Mrs. Francis Hettinger, 63 Sackarakin Avenue, relayed appreciation to the City, as a retiree, for providing retirees COLA's and lump sum payments. She noted that at one time both the Police and Defined (Civilian) Pension Plans were identical; however, the Police Pension Plan now provides for an automatic COLA annually. Although she understands there is the concern regarding the unfunded liability, she suggested that consideration be given to providing an automatic COLA annually to the members of the Defined Pension Plan similar to the Police Pension Plan. Mrs. Hettinger also relayed her feeling that due to its reliability, the Defined Benefit Plan should not be closed.

Mr. Joe Klenoski (retired Police Chief) indicated that since 1978, the Police Pension Plan has included a 2.5% automatic COLA annually.

Referring to the Police Pension Plan, Mrs. Mitchell explained that the automatic annual COLA was a negotiated item which resulted from union contract negotiations and that she is not aware of the benefit(s) that were traded. She stated that the State of Delaware gives the City the funds necessary for the COLA and that the City does not have any budget impact resulting from the Police COLA.

Mr. Les Blakeman, 209 Falmouth Way, stated that there are 66 retirees making less than $10,000 per year, 11 retirees making less than $12,000, and 44 retirees making less than $20,000, which represents 121 retirees of the 172 retirees that are receiving less than $20,000 per year.

Mr. Robert Tice (retiree) advised members that he served on the Civilian Pension Board in 1994 and in an attempt to change the formula, the 457 Plan was established. It was anticipated that, over time, more employees would elect the 457 Plan and that if more than 50% of the employees elected the 457 Plan, the City would phase out the Defined Benefit Plan.

Council President Hogan stated that this topic will continue to be discussed amongst the Pension Board as well as City Council.

Mr. Leary moved for adjournment, seconded by Mr. Slavin and unanimously carried.

Meeting Adjourned at 8:09 P.M.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Workshop Meeting of November 3, 2008, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

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Exhibits (Attached to original and file copy)
Exhibit #1 - Defined Benefit Pension Plan Presentation

REGULAR COUNCIL MEETING

The Regular Council Meeting was held on November 10, 2008 at 7:30 p.m. with Council President Hogan presiding. Council members present were Mr. Leary, Mrs. Russell, Mr. McGlumphy, Mr. Slavin, Mr. McGiffin, Mrs. Williams, Mr. Salters and Mr. Ruane.

Council staff members present were Major Taraila, Ms. Russell, Mrs. Mitchell, Mrs. Tieman (in the absence of Mr. DePrima), City Solicitor Rodriguez, Mrs. McDowell, and Mayor Carey.

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 is not in official session and cannot take formal action.

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

The invocation was given by Minister Donald Godwin of Wesley United Methodist Church, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

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

Mr. Ruane requested that item #5C, City Assessor Report, be removed from the consent agenda.

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

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF OCTOBER 27, 2008

The Minutes of the Regular Council Meeting of October 27, 2008 were unanimously approved by motion of Mr. McGlumphy, seconded by Mrs. Williams and bore the written approval of Mayor Carey.

PROCLAMATION - GEOGRAPHIC INFORMATION SYSTEMS DAY & GEOGRAPHIC AWARENESS WEEK

The City Clerk read the following Proclamation into the record:

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

WHEREAS, Geography Awareness Week and Geographic Information Systems Day are set aside each year to promote geographic literacy and to ensure that young Americans, our future leaders, will possess the tools necessary to comprehend, operate, and succeed within our interconnected sphere; and

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

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

WHEREAS, geography, the study of the Earth's natural resources, features, climate, and population is important in understanding our relationship with the environment, and GIS technology aids us in this vital learning process.

NOW, THEREFORE, I, Carleton E. Carey Sr., Mayor of the City of Dover, do hereby proclaim November 19, 2008 as GIS Day, and November 17-21, 2008 as **GEOGRAPHY AWARENESS WEEK** in the City of Dover and encourage citizens and students of all ages to observe this day with appropriate programs, ceremonies, and activities.

Mayor Carey presented Mr. Mark Nowak, GIS Manager, with the proclamation and thanked him for the services provided to the City of Dover.

Mr. Nowak advised members that this is the third year for celebrating GIS Day in the City of Dover, which will be a 2-day event to occur on November 18th and 19th. The celebration on November 19th will be opened to the public (10:00 a.m. to 3:30 p.m.). He assured members that a final schedule will be provided once it has been finalized.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - OCTOBER 27, 2008

The Legislative, Finance, and Administration Committee met on October 27, 2008 with Councilman Salters presiding in the absence of Chairman Slavin.

November Health Insurance Premium Refund

Mrs. Mitchell, Controller/Treasurer, advised members that the City of Dover has received notice from the State of Delaware that the health insurance premiums for November will be waived due to their funding levels in the Self-Insured Health Plan. However, she stated that the City will still be required to pay the 5% Risk Premium and a 7% Administration fee (12% of our current premiums). As a result, staff submitted the following actions for consideration:

- Waive the employee payroll deduction for the month of November.
- Charge each department for the budgeted expense for November Health Insurance benefit as if the City's contribution was paid.
- Reserve the savings realized to address any potential budget constraints in Fiscal Year 2009 in each fund applicable.

Staff recommended waiving the employee payroll deduction for the month of November and reserving approximately $375,000 of City savings realized from the November Health Insurance Moratorium to address potential budget constraints in Fiscal Year 2009.

Responding to Mr. McGlumphy regarding the types of budget constraints, Mrs. Mitchell stated that anticipated revenues will be less than originally budgeted. She noted that the Quarterly Revenue Report is scheduled to be reviewed by City Council during their meeting later in the evening. She explained that the savings would be included in the budget balance reserve accounts for each fund (Electric, Water/Wastewater, and General).

The committee recommended approval of staff's recommendation to waive the employee payroll deduction for the month of November and reserve an amount of approximately $375,000 of City savings realized from the November Health Insurance Moratorium to address potential budget constraints in Fiscal Year 2009.

By consent agenda, Mr. McGlumphy moved for approval of the committee's recommendation, seconded by Mrs. Williams and carried by a unanimous roll call vote.

Reverted Funds from Title V Grant - Office of Juvenile Justice and Delinquency Prevention

Mrs. Townshend, Director of Planning and Inspections, reminded members that last year, the City of Dover, in coordination with Aid in Dover, received a grant, in the amount of $53,000, from the Criminal Justice Council for the Girls Circle of Dover Program, which provides youth programming for at-risk girls. Since the program got a late start and they were not able to provide services until late in the school year, $19,819 in funding reverted to the Criminal Justice Council. Aid in Dover recognized a need to provide similar programming for at-risk boys; therefore, they proposed to utilize the reverted funds for a Boys Council of Dover Program, which is structured similar to the Girls Circle Program, in order to provide programming for at-risk boys. Staff provided members with the sub-grant application.

Staff recommended that the committee forward a recommendation of approval to City Council regarding the application for the reverted funds related to this grant in partnership with Aid in Dover, Inc.

Mr. Ruane suggested that the program needs a better, more realistic, means of measuring its effectiveness by referencing the particular participants rather than an overall decrease in the statistics that are not correlated by the individuals.

Although Mrs. Williams concurred with Mr. Ruane, she advised members that the performance and impact objectives are controlled by the Criminal Justice Council. Mr. Ruane suggested that the applicants continue to discuss the issue of including a more realistic measurement for the program.

The committee recommended approval of the application for the reverted funds related to the Title V Grant - Office of Juvenile Justice and Delinquency Prevention - in partnership with Aid in Dover, Inc. for the Boy's Council of Dover Program.

By consent agenda, Mr. McGlumphy moved for approval of the application for the reverted funds related to the Title V Grant - Office of Juvenile Justice and Delinquency Prevention - in partnership with Aid in Dover, Inc. for the Boy's Council of Dover Program (*Exhibit #1*), as recommended by the committee. The motion was seconded by Mrs. Williams and carried by a unanimous roll call vote.

Non-Bargaining Benefit Parity

Mr. DePrima, City Manager, advised members that staff has been developing recommendations for benefit parity for non-bargaining employees. He explained that some of the suggested changes are related benefits provided to bargaining unions which are not provided to non-bargaining employees. Members were provided a summary of these recommendations, which included the approval to continue applying certain current practices that are not documented in the personnel policy, the enhancement of two (2) current benefits, and implementation of three (3) new benefits. In addition, staff provided the current practices and recommended changes, which were reviewed by Mr. DePrima in detail.

Staff recommended that all benefits become effective January 1, 2009, unless otherwise indicated, and that the City of Dover Personnel Policy be updated to reflect the recommendations of City Council and submitted for final approval.

Mr. DePrima stated that, based on the committee's recommendations and Council's approval, the City of Dover Personnel Policy would be updated to reflect the recommendations by City Council and submitted to them for final approval.

Mr. McGlumphy noted that, based on the current practices, non-bargaining employees are receiving different benefits or perks based on the department and union for which they work. It was his opinion that this has fostered more inequities and animosity amongst employees.

Mr. Ruane noted the probability of costs associated with the proposed benefits and suggested that the committee defer forwarding any recommendation to Council until staff has provided members with such relative information.

Concurring with Mr. Ruane, Mr. McGlumphy advised members of his request for staff to provide a comparison chart of the different unions and other municipalities and suggested that the cost factors could be included in the information.

Referring to the memorandum provided to members, Police Chief Horvath explained his opinion regarding the Police Chief and Deputy Police Chief positions and requested that these positions be provided the same treatment as the FOP employees. He stated that the proposal submitted by staff would reduce benefits for the Chief and Deputy Chief since they are not included in the FOP Union.

At the request of Mr. McGlumphy, Mr. DePrima stated that staff would research the Long-Term Disability Insurance to determine how this benefit was established.

In reference to the description for the Education Incentive Program, Mr. DePrima advised members that those police officers that have not earned their Bachelor's degree but have earned 60-90 days of credit would receive the Associate reward in the amount of $725.

Mr. DePrima indicated that the Professional Engineer Licensure Incentive Program is not a parity issue - it is a new bonus proposed to offer any of the City's engineers who earn or have a professional engineer license. He explained the value of obtaining and maintaining professional engineers in the City's employment.

Mr. Ruane relayed his concern with providing such an incentive program. It was his feeling that it does not provide parity for all employees, explaining that there are other certificates obtained by employees that would not be recognized.

Mr. McGlumphy requested that staff provide the percentage benefit for employees, noting that, in addition to salaries, benefits provided to employees should also be considered.

The committee recommended tabling the Benefit Parity for Non-Bargaining Employees until a cost analysis and further information regarding the questions of members are provided.

By consent agenda, Mr. McGlumphy moved for approval of the committee's recommendation, seconded by Mrs. Williams and carried by a unanimous roll call vote.

Mr. McGlumphy noted that the recommended action was for the benefits to become effective January 1, 2009 and that the Human Resources Department is in the process of completing the comparatives he had previously requested. It was his opinion that the comparative information should be provided when this issue is brought back to members for further consideration.

Due to time constraints, it was suggested that the remainder of the agenda items, #4 - City of Dover Identity Theft Prevention Policy and #5 - Charter Review-Amended Scope, be deferred until the next meeting.

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

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE REPORT - (DATE)

The Safety Advisory and Transportation Committee met on October 28, 2008 with Councilman Slavin presiding in the absence of Chairman Leary.

Review of Requested Waivers, Land Subdivision Regulations, Streets: Right-of-Way Width and Length of Dead-End Street for College Road Professional Park (SB-08-01C)

Due to the lack of a quorum, during their meeting of September 23, 2008, members deferred the review of requested waivers for the right-of-way width and length of a dead-end street for College Road Professional Park.

Members considered waiver requests for the reduction of street width right-of-way and maximum length of a dead-end street for College Road Professional Park. The subject property is located on the north side of College Road, east of the railroad corridor, consisting of $30.78^{+/-}$ acres. The owners of the property are: College Road Management, Inc., Kent Storage Facilities, Inc., and Laralex Company LLC.

Ms. Cornwell, Planner II, advised members that the Conceptual Subdivision Plan proposes for the subdivision of the land into four (4) parcels as a manufacturing subdivision. In accordance with Article VI §A13.1 of the Land Subdivision Regulations, the minimum street width right-of-way for dedication is 60 feet. The applicant is requesting a reduction in the width to 35 feet. Ms. Cornwell explained that the applicant is requesting the reduction in the right-of-way based on the railroad to the west of the site and for consistency with the other streets in the area. The paved width would meet the required 26 feet with no parking permitted on the street. She noted that this waiver request is for both Railroad Avenue and the unnamed dead-end street. Both streets are proposed for dedication to the City.

In addition, Ms. Cornwell stated that the applicant is requesting to exceed the permitted length of a dead-end street to 450 feet. In accordance with Article VI §A15 of the Land Subdivision Regulations, the maximum length of a dead-end street is 400 feet. She noted that the size of the property and the layout of the lots support the need to extend beyond 400 feet in length.

Ms. Cornwell advised members that the Planning Commission recommended approval of the waiver to allow the reduction in the minimum street right-of-way from 60 feet to 35 feet for both road segments and the waiver to exceed the maximum length of a dead-end street. Members were provided a summary of the requested waivers as follows *(it was noted that the packet material provided to members incorrectly indicated a 10 feet waiver for the minimum street right-of-way)*:

Street Design Standard	Required	Proposed	Waiver
Minimum Street Right-of-Way	60 feet	35 feet	25 feet
Maximum Length of a Dead-End Street	400 feet	$450^{+/-}$ feet	$50^{+/-}$ feet

Responding to Mr. Link, Deputy Fire Chief Christiansen indicated that there are no concerns with the requested waivers, with the stipulation that there would be no parking permitted on the street.

The committee recommended approval of the requested waivers as recommended by the Planning Commission.

By consent agenda, Mr. McGlumphy moved for approval of the committee's recommendation, seconded by Mrs. Williams and carried by a unanimous roll call vote.

Request for Subdivision Street Waiver - Parking on One Side - Persimmon Park Place

During their meeting of July 29, 2008, members were advised that Mr. Fred Tolbert, on behalf of the Condominium Association, had requested that the City allow parking on one side of the street for the convenience of the home owners and their guests. Since the street widths in the development are between 20 and 24 feet wide and, in accordance with the City's Land Subdivision Regulations,

"on street parking on one side of the street" requires a 30-foot pavement width or greater, approval of anything less than 30 feet would require a variance and waiver by City Council under Article VII, Section A "Variance and Waiver" of the Land Subdivision Regulations. It was noted that the "Variance and Waiver" section implies a finding and recommendation from the Planning Commission; therefore, the committee recommended referral of the request to the Planning Commission, and requested that they hold a public hearing on the matter.

Members were advised that Persimmon Park Place is located on the south side of Persimmon Tree Lane, east of State Route 1, and that the street waiver request would involve a portion of Persimmon Circle, Carolyn Court, Gordon Drive, Gordon Place, Beth Place, Susan Place, Karen Place, Primrose Drive, and Welch Drive.

Staff provided members with a summary of the Code requirements regarding street widths and how they relate to waivers and variances from the Subdivision Regulations, as well as the report of the Planning Commission, which included comments of the Development Advisory Committee (DAC). Ms. Cornwell, Planner II, advised members that the Planning Commission recommended denial of the waiver request for on-street parking for Persimmon Park Place.

Deputy Fire Chief Christiansen relayed the Fire Department's opposition to the request, explaining that the issue to be considered is whether public safety should be jeopardized to provide a convenience. He advised members that providing parking on these streets would restrict the movement of emergency vehicles, which could substantially delay their response to an incident that may involve the treatment of a patient. He also relayed his fear that approval of the request would set a precedent in the City.

Mr. Link noted that there is land in the rear of the development that it is on the market and questioned if the City could consider submitting a request to the owner regarding the possibility of making improvements upon one of the lots to provide additional parking. Responding, Mr. DePrima stated that the current owner of the lots is not the original developer of Persimmon Park Place and felt that it would be unfair to request that he consider providing parking to resolve a problem he had no involvement in.

Mr. Slavin advised members that an alternative solution to the parking problem, which was discussed with the residents, was the possibility of allowing them to provide additional off-street parking on their property. Any associated costs would be borne by the residents.

The committee recommended acceptance of the Planning Commission's recommendation to deny the requested waiver for Persimmon Park Place.

By consent agenda, Mr. McGlumphy moved for approval of the committee's recommendation, seconded by Mrs. Williams and carried by a unanimous roll call vote.

There being no objections, due to the absence of Chairman Leary, Mr. Slavin stated that item #3 - Update on State Council Transportation Hearing of 9/16/2008 would be deferred.

By consent agenda, Mr. McGlumphy moved for acceptance of the Safety Advisory and Transportation Committee Report, seconded by Mrs. Williams and unanimously carried.

MONTHLY REPORTS - SEPTEMBER 2008

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

Budget Report
Chief of Police Report
City Manager's Report
City Planner's Report
CIP Report

Ms. Russell, City Assessor, advised members that there have been changes to the City Assessor's Monthly Report. She noted that the report now includes a briefing on "points of interest" and the inclusion of tables relative to transfer taxes and residential sales ratio. She welcomed any suggestions for additional improvements.

Mr. Ruane commended Ms. Russell for the improvements made to the report.

Mr. Ruane moved for acceptance of the City Assessor's Report for September 2008, seconded by Mr. Salters and unanimously carried.

EVALUATION OF BIDS - ST. JONES SUBSTATION CONSTRUCTION CONTRACT

Members were advised that bids were solicited for the construction contract for demolition of the existing St. Jones Substation equipment and the purchase/installation of the new equipment. Mr. Lunt, Public Utilities Director, advised members that the Request for Proposal (RFP) was drafted to include unit pricing for the demolition and sub-grade installations because of the unknown concrete footings left in place from the old power plant that was once located on this site. The RFP envisioned that this work would be done under unit pricing, which included labor, equipment, and material. Staff felt that this would be fair for the contractor due to the previous land usage and unknown number of concrete footings still in place. During previous work at the site, staff has had many challenges working around these massive footings. Three (3) bid proposals were received, as follows:

Richardson- Wayland Electrical Co.	$2,751,832
C.W. Wright Construction	$2,806,681
G A Vietri, Inc	$3,063,440

Mr. Lunt stated that the proposals were evaluated using the following criteria: cost, experience, references, resources, safety records, and exceptions to bid documents. Upon initial review it was determined that all three (3) bidders were qualified. He advised members that the two (2) low bidders were interviewed to ensure their understanding of the project and that staff understood the bid submission. During this discussion, the City became aware of the fact that C.W. Wright submitted a firm offer bid, which was different from what the request for proposal envisioned. This

type of bid provides cost certainty for the City. The apparent low bidder, Richardson-Wayland Electrical Co., would not offer a fixed cost proposal for this project. After a thorough review, both Pike EDS (formally Shaw EDS) and City staff determined that a "firm offer" contract offer should be extended to C.W. Wright Construction Company to ensure cost certainty.

Staff recommended awarding the "firm offer" bid to C.W. Wright Construction Company, Inc. for $2,806,681.

Mr. Ruane moved to award the "firm offer" bid to C.W. Wright Construction Company, Inc., for the St. Jones Substation Construction Contract, in the amount of $2,806,681. The motion was seconded by Mr. Salters and carried by a unanimous roll call vote.

COUNCIL AND COMMITTEE MEETINGS - HOLIDAY SCHEDULE/DECEMBER 26, 2008 SPECIAL HOLIDAY

As in the past, due to the holiday season, Council President Hogan suggested that the Utility and Legislative, Finance, and Administration Committee Meetings and the Council Meeting scheduled for December 22nd be cancelled, as well as the Safety Advisory and Transportation Committee meeting scheduled for December 23rd. He assured members that if the need arises, Special Meetings would be called. Additionally, Council President Hogan noted that Christmas falls on a Thursday this year and recommended that consideration be given to recognizing Friday, December 26th as a special holiday for City employees.

Mrs. Williams moved to cancel the Utility and Legislative, Finance, and Administration Committee and Council Meetings scheduled for December 22nd, the Safety Advisory and Transportation Committee Meeting scheduled for December 23rd and provide Friday, December 26th as a special holiday for City employees. The motion was seconded by Mr. McGiffin and carried by a unanimous roll call vote.

COUNCIL MEMBERS ANNOUNCEMENTS

Council President Hogan wished Mr. Ruane a happy birthday (today), and Mrs. Russell a happy birthday (November 22nd).

Council President Hogan reminded members that tomorrow is Veteran's Day and urged all to honor the men and women who serve and have served this country in both times of peace and war and announced that City offices will be closed.

Mrs. Russell advised members that she will be celebrating her 61st Birthday on November 22nd, at 5:30 p.m. and invited anyone wishing to join her for dinner at Dover Downs.

Mr. McGiffin reminded members to mark their calendar for June 27, 2009 for the next African American Festival.

Mrs. Russell moved for adjournment, seconded by Mr. Leary and unanimously carried.

Meeting Adjourned at 7:47 P.M.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of November 10, 2008, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

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Exhibit (attached to original and file copy)

Exhibit #1 - Title V Grant Application - Office of Juvenile Justice and Delinquency Prevention in Partnership with Aid in Dover, Inc. - Boys Council of Dover

Certificate of Recognition

WHEREAS, Ross and Lois Young founded Young Studio on August 10, 1953 and have made downtown Dover the home for Young Studio for the past 55 years; and

WHEREAS, Young Studio has been a reputable business enhancing the downtown area and providing service to many in our community; and

WHEREAS, Young Studio has continued serving the needs of the community by having excelled with the latest technology to meet the growing needs of those with traditional photography as well as digital photography needs.

WHEREAS, it is deemed an honor and a privilege to present this Certificate of Recognition to

Young Studio

The City of Dover acknowledges the tremendous contribution the Young Family has made to our community and extends best wishes on all of your future endeavors.

Carleton E. Carey Sr.

Carleton E. Carey, Sr.
Mayor

CERTIFICATE OF RECOGNITION

Presented to

Eric Young
of
Young Studio

In recognition of your 20 years of service.

Congratulations and we thank you
for your continued dedication to the family business.

Presented to you on November 24, 2008.

Carleton E. Carey Jr.

Carleton E. Carey, Sr.
Mayor

UTILITY COMMITTEE

The Utility Committee Meeting was held on November 10, 2008 at 5:00 p.m. with Chairman Ruane presiding. Members present were Mr. McGiffin, Mrs. Williams (arrived at 5:19 p.m.), Major Kosior, and Mr. Snaman. Mr. Leary (arrived at 5:33 p.m.), Mr. Hogan (arrived at 5:18 p.m.) and Mayor Carey (arrived at 5:25 p.m.) were also present.

Mr. Ruane welcomed Major Richard Kosior as a member of the committee.

AGENDA ADDITIONS/DELETIONS

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

Electric Projects - Financing

Mrs. Mitchell, Controller/Treasurer, reviewed the Electric Projects Financing Presentation (***Attachment #1***). She reminded members that during this past year, the City issued bonds in the amount of $22,200,000 to finance certain electric projects. She advised members that due to project estimating and a reduction in the estimated bond financing costs, there are excess bond proceeds. She reviewed the revised budgeted estimated project costs, revised bond financing costs, and the proposed use of the excess bond proceeds.

Mrs. Mitchell noted that the FY2009 Budget included a $3M transfer from the Future Capacity Reserve, which has been eliminated from the revised FY2009 Budget (for this presentation) since it is no longer necessary. She advised members that, although this transfer has been eliminated for this presentation, this revision will require Council approval and stated that a budget revision will be presented to Council for adoption.

Responding to Mr. Ruane, Mrs. Mitchell confirmed that the Pollution Remediation Project is the result of the 1146 Regulation, which is a State mandate to reduce emissions (air quality).

Referring to the ineligible costs listed on the 2008 Bonds Proceeds table, Mrs. Mitchell explained that Council adopted a Resolution that would reimburse the City for any money spent prior to completing the bond issue; however, the Resolution only provided for the reimbursement of expenses 90 days prior to the adoption date of the Resolution. She stated that there were monies spent on projects prior to the 90 day window; therefore, the City was not eligible for reimbursement of these costs.

Responding to Mr. Ruane, Mrs. Mitchell stated that these necessary funds were obtained from the Fund Balance for the Improvement and Extension Fund, which has been replenished. She explained that the original budget provided for an ending budget balance in the amount of $5,395,920; therefore, the $5M provided by the transfers from the Depreciation Reserve and Future Capacity Reserve is not necessary. Although staff is proposing to eliminate the $3M transfer from the Future Capacity Reserve, the $2M transfer from the Depreciation Reserve is being maintained to cover the excess that was necessary to cover the budget balance.

Referring to the Contingency for Bonded Projects listed on the 2008 Bond Proceeds table, Mrs. Mitchell advised members that there are three (3) options: 1) the City could pay back on the bonds and payoff some of the bonds; 2) the City could correlate pieces of the projects that are related and add them to the projects; or 3) a Resolution could be presented to Council for adoption that would add unrelated projects to the bond issue. Action regarding these options is pending receipt of bids for the projects.

Responding to Mr. Ruane, Mrs. Mitchell stated that, for arbitrage reasons, the City is given three (3) years from the date of the issue to expend the bond monies. She assured members that staff is aware of the three (3) year time frame.

With regards to the options, Mrs. Mitchell stated that once the bids for the projects have been received and the amounts are final, she would like for a decision to be made prior to the end of December. She assured members that a recommendation will be forwarded to the committee for their review and recommendation to Council.

Mr. Ruane requested that Mrs. Mitchell provide a schedule for the presentation of issues involving the bond issue, as well as other items to be brought before the committee.

Being a new member of the committee, Mr. Ruane suggested that Major Kosior meet with Mrs. Mitchell regarding the various issues to be brought before the committee.

PACE/NAES Monthly Report (*July, August, and September*)

Members were provided the PACE/NAES Monthly Reports for July, August, and September 2008. The reports are being provided to allow members the opportunity to monitor what is being sold in electric and the revenues received, which will give members a better understanding of any fluctuations and make improvements if deemed necessary. Although it was not staff's intention to make a presentation of the report, they welcomed any questions.

Responding to Mr. Ruane, Mrs. Mitchell stated that her only concern is in regards to the emissions sales. Referring to the September Report, she noted that the 2nd paragraph of page 3, under Emissions and Allowance Management, indicates that it has been reported that "*this would result in an $844,000 unfavorable variance for the emissions allowance."* She advised members that there was a planned emissions last year that was not sold in the amount of $200,000; therefore, the total variance is actually $1,044,000. Mrs. Mitchell stated that the current plan is to hold the credits in hopes that the market will improve.

Mr. Ruane suggested that a presentation of the Greenhouse Gas Reduction Grant be made to members during their meeting in January 2009.

Mr. Snaman moved to recommend acceptance of the PACE/NAES Monthly Reports for July, August, and September 2008, seconded by Mr. McGiffin and unanimously carried.

Mr. McGiffin moved for adjournment, seconded by Mr. Snaman and unanimously carried.

Meeting Adjourned at 5:48 P.M.

Respectfully submitted,

Eugene B. Ruane
Chairman

EBR/AC/jg
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Attachments (to original and file copy)
Attachment #1 - Electric Projects Financing Presentation

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held on November 10, 2008 at 6:00 p.m. with Chairman Slavin presiding. Members present were Mr. McGlumphy, Mr. Salters, Mr. Shevock, and Dr. Jones. Other members of Council present were Mr. Leary, Mr. McGiffin, Mrs. Williams, Mr. Ruane, Council President Hogan, and Mayor Carey.

AGENDA ADDITIONS/DELETIONS

Mr. Salters moved for approval of the agenda, seconded by Mr. McGlumphy and unanimously carried.

City of Dover Identity Theft Prevention Policy

Mrs. Tieman, Senior City Administrator, reviewed a Presentation of the City of Dover Identity Theft Prevention Policy and explained that the Fair and Accurate Credit Transactions Act of 2003 (FACT Act of 2003) was passed to set standards for guarding customer information. It took effect January 1, 2008; however, entities covered by the rule had until November 1, 2008, to implement programs to comply with the rule. The rule requires creditors (which includes utilities or any entity that would process payments and establish ongoing accounts) to establish identity theft prevention programs for covered accounts.

Mrs. Tieman explained that the FACT Act requires the City to develop a privacy policy; identify red flags; perform a needs assessment; document choices for mitigation; use best practices for record disposal; document employee training; document employee screening; form a privacy committee; document procedures for handling a breach in security; document procedures for handling address discrepancies; document procedures for handling a customer's request for information; document internal and external IT security procedures; document complaints; perform yearly assessments; and compile annual reports for internal purposes. As the City proceeds through these tasks, Mrs. Tieman indicated that the current policy may need to be revised. Staff recommended approval of the Identity Theft Prevention Policy.

Mrs. Tieman stated that the Federal Trade Commission (FTC) enforces the FACT Act and punitive fines are expected to represent the degree of negligence and total loss; therefore, the City must demonstrate "reasonable security" of our customer's information. She stated that although many of the procedures are already followed by some departments, staff felt that such a policy should be applicable to all departments, explaining that if someone's identity is stolen and there is not an adopted policy, the City could be held responsible.

Mrs. Tieman advised members that due to mis-communication, the FCC has granted an extension for enforcement of the FACT Act until May 1, 2009. She explained that the policy presented for the City of Dover consists of the policy adopted by DEMEC and that it is staff's intention to revise the City's policy to be more specific to the City of Dover.

Mr. McGlumphy moved to recommend acceptance of the draft City of Dover Identity Theft Prevention Policy, seconded by Mr. Salters and unanimously carried.

Charter Review - Amended Scope

During the October 6, 2008 Council Workshop, members reviewed the City's Strategic Objectives for Fiscal Year 2008-2009. During their discussion, Mr. Ruane had questioned if members felt that Charter Amendments should be included. Mr. Slavin explained the struggles that the Legislative, Finance, and Administration Committee has had with the Charter Review and suggested that it would be helpful if members provided the committee direction regarding specific issues they feel warrant review. It was recommended that the Legislative, Finance, and Administration Committee continue with the Charter Review with primary attention being focused on those recommendations contained in the IAAO Report and those recommendations necessary as a result of the Comprehensive Plan.

Mr. Slavin suggested a change in scope for the review of the City Charter that would review only those items brought by Council for consideration for the upcoming legislative year, to be conducted annually. Should members wish to proceed in this manner, he requested that all Council identify those items they wish to have considered to be placed on the committee's agenda in January/February of each year.

Mr. Salters moved to recommend approval of the amended scope for the Charter Review for members of Council to identify those items they wish to have considered to be placed on the committee's agenda in January/February of each year. The motion was seconded by Mr. Shevock and unanimously carried.

Draft Comprehensive Annual Financial Report (CAFR)

Mrs. Mitchell, Controller/Treasurer, provided members a Draft of the City's Comprehensive Annual Financial Report for the year ending June 30, 2008, which has also been provided to the City's audit firm, Faw, Casson, & Company, LLC. She stated that the auditors have not had the opportunity to review the financial statements or any recommended changes. She indicated that the final CAFR should be available in January 2009 and suggested a Council Workshop to allow for a thorough review. Mr. Slavin requested that the civilian members of the Legislative, Finance, and Administration Committee be invited to attend the workshop session.

Mrs. Mitchell provided a broad overview of the CAFR and explanations to major highlights.

Mr. Ruane noted that staff had occasionally included benchmarked areas throughout the document; however, benchmarks have not been included in other areas such as property tax revenue, costs of public safety, etc. He encouraged additional comparisons of other governments to include both growth and comparisons. Responding, Mrs. Mitchell suggested that it would be more appropriate to include such information in the budget. She advised members that both the CAFR and Budget is a part of the Government Finance Officers Association (GFOA) Excellence Awards process. The GFOA provided the City with a set of guidelines to be utilized for each of these documents. She assured members that each document is formulated based on those guidelines and that staff typically does not deter from the guidelines. Mrs. Mitchell indicated that staff includes extra supplementary information that is not required for disclosure purposes and suggested the possibility of including such information with that section of the CAFR.

Mrs. Mitchell advised members that the Director of Planning and Inspections provided the information regarding the local economy section since her department is more familiar with this information.

Mr. Salters moved to recommend acceptance of the Draft CAFR, seconded by Mr. McGlumphy and unanimously carried.

Power Supply Hedges - Letter of Credit

Mrs. Mitchell, Controller/Treasurer, reviewed a Presentation of Power Supply Hedges - Letter of Credit (***Attachment #1***). She advised members that the EEI Master Agreement establishes the financial terms, including the posting of security, in the event that a contract's value exceeds a certain amount. The purpose of the clause is to provide financial security to either party in the event that a contract is overly beneficial or detrimental to the parties in order to dissuade an intentional breach or default. The EEI Master Agreement form that the City has executed with counter-parties allows cash or a letter of credit as collateral.

Mrs. Mitchell stated that a Letter of Credit will result in the City paying legal and bank fees each time one is issued or renewed. When cash collateral is given, it is held by the counter-party that has demanded the financial security. Unless the parties specifically agree, it does not have to be held in a qualified institution or with a qualified custodian.

Mrs. Mitchell advised members that the City has requested PACE to discuss with our counter-parties whether or not it would be acceptable for the City to establish an escrow account using reserve funds that would be held at the City's banking institution, rather than a Letter of Credit. PACE is exploring this with the counter-parties and Mr. Kirk Betts, and, together, they will draft the appropriate terms in the Collateral Annex to the EEI Master Agreement to permit the type of escrow account described as an alternative to the Letter of Credit. Mrs. Mitchell stated that the escrow account would be held in the counter-party's name and the contractual rights to draw on the account will essentially be the same as the current EEI Master Agreement. The Collateral Annex establishes clearer processes for managing collateral.

Staff recommended that the City Manager be authorized to sign the Collateral Annex to the EEI Master Agreement to authorize the Controller/Treasurer to post cash collateral when required by the terms of the EEI Master Agreement in an interest bearing Escrow Account using Reserve Funds. To provide City Council with notification of execution of the Collateral Annex and establishment of Escrow Accounts and related balances.

Mr. Salters moved to recommend approval of staff's recommendation, seconded by Mr. McGlumphy and unanimously carried.

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

Meeting Adjourned at 6:55 P.M.

Respectfully submitted,

Timothy A. Slavin
Chairman

TAS/AC/TM/jg
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Attachment (to original and file copy)
Attachment #1 - Presentation of Power Supply Hedges - Letter of Credit

SPECIAL
PARKS, RECREATION, AND COMMUNITY ENHANCEMENT

A Special Parks, Recreation, and Community Enhancement Committee Meeting was held on November 10, 2008, at 12:01 p.m. with Chairwoman Russell presiding. Members present were Mr. Ruane, Mrs. Horsey, and Mr. Lewis. Mr. McGlumphy was absent.

AGENDA ADDITIONS/DELETIONS

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

Ordinance SS#2 to #2008-39 - Appendix B - Zoning, Article 5 - Supplementary Regulations, Section 10 - Open Space, Recreation and Other Public Facilities, Subsection 10.5 - Exemption (*Tabled during the October 15, 2008 Committee Meeting*)

During their meeting of October 15, 2008, members tabled consideration of the proposed ordinance amending Appendix B - Zoning Ordinance, Article 5 - Supplementary Regulations, Section 10 - Open Space, Recreation and Other Public Facilities, Subsection 10.5 - Exemption, to allow for further discussion between developers and staff, with the understanding that this matter be brought back for consideration at the next committee meeting on October 27, 2008. Staff was requested to provide specific examples of the results of the proposed ordinance for various projects.

Mr. Ruane moved to lift the matter from the table, seconded by Mrs. Horsey and unanimously carried.

Mrs. Townshend, Director of Planning and Inspections, reviewed a memorandum explaining Staff's Substitute Amendment #2 to Ordinance #2008-39, which would require a smaller amount of active recreation for smaller properties with a higher density. She reminded members that the original proposed ordinance would exempt residential development within the Downtown Redevelopment Target area from open space and active recreation requirements in exchange for aesthetic improvements such as public art and streetscape and that the amendment ordinance would address open space and active recreation requirements in the downtown area and beyond.

Mrs. Townshend assured members that staff has reworked the proposed changes to Active Recreation Area requirements for residential developments that are high density and small in land area, and for residential developments within the Downtown Dover Target Area defined in Appendix C - Downtown Redevelopment (see next agenda item - Ordinance #2008-41).

Mrs. Townshend reviewed a table of the active recreation area requirements, including the current requirements and proposed, and examples of specific projects and the effects of the proposed amendment (***Attachment #1***).

Mr. Ruane moved to recommend adoption of SS#2 for Ordinance #2008-39 (*Attachment #2*) for First Reading by Council and the setting of a public hearing and its referral to the Planning Commission. The motion was seconded by Mrs. Horsey and unanimously carried.

Members commended staff on the presentation of the information and suggested that it be utilized for future presentations.

Ordinance #2008-41 - Appendix C - Downtown Redevelopment, Article IV - Development Incentive (*Tabled during the October 15, 2008 Committee Meeting*)

During their meeting of October 15, 2008, members tabled consideration of the proposed ordinance amending Appendix C - Downtown Redevelopment, Article IV - Development Incentive, to allow for further discussion between developers and staff, with the understanding that this matter be brought back for consideration at the next committee meeting on October 27, 2008. Staff was requested to provide specific examples of the results of the proposed ordinance for various projects.

Mr. Ruane moved to lift the matter from the table, seconded by Mrs. Horsey and unanimously carried.

Mrs. Townshend advised members that the proposed ordinance #2008-41 amending Appendix C - Downtown Redevelopment, Article IV - Development Incentive, would allow for the waiver of the cash in lieu amount associated with the active recreation area requirement in the Zoning Ordinance for residential development. If an applicant were to request utilization of cash in lieu of recreation area construction, the amount could be waived within the Downtown Target area, and the applicant would pay ten percent (10%) of the value of this waiver to the Downtown Dover Partnership for open space improvements in the downtown.

Mrs. Horsey questioned what the incentive would be for a developer to provide active recreation if they have the option to apply for a waiver. Concurring, Mr. Lewis stated that developers have a requirement to fulfill in all other areas of the City and felt that the purpose of the ordinance would be to provide an investment to the City.

Responding to Mrs. Russell, Mrs. Townshend advised members that if the proposed ordinance were adopted, any waiver or downtown incentive applications would go to the City Manager for approval.

Mr. Ruane moved to recommend against adoption of ordinance #2008-41, seconded by Mr. Lewis.

In addition to the concerns already expressed, Mr. Ruane explained his objection to allowing a single individual to have such authority and stated that he felt that it takes from the true spirit of the original purpose of the statutes.

On a call for the question by Mr. Ruane, the motion to recommend against adoption of ordinance #2008-41 was unanimously carried.

Updates

Members were provided the following updates:

Puncheon Run Watershed Action Team Update

Due to the absence of Mr. Koenig, Public Services Director, there was no updated provided for the Puncheon Run Watershed Action Team; however, Mr. Ruane requested that the committee be provided a pledge from Mr. Koenig that he convene the meeting that was promised to take place prior to the holidays. He stated that the residents of the neighborhood are anticipating such a meeting which has yet to occur.

Planning and Funding for New Library
Members were provided update information regarding the planning and funding for the new Library.

Mr. Ruane moved to recommend acceptance of the Planning and Funding for New Library Update, seconded by Mrs. Horsey and unanimously carried.

Skate Park Committee
Members were provided update information regarding the Skate Park, which was reviewed by Mr. Dean Holden on behalf of the Skate Park Committee.

Mr. Ruane stated his support for a partnership with Kent County, explaining that there will be several users from outside the City limits. He questioned if private sector funding has been identified. Responding, Mr. Holden stated that once a site has been selected, and the City and/or Kent County agree to move forward with the project, additional funding sources will be sought. Although there has been informal contact with such organizations, he stated that they are reluctant to make any commitment until the City and/or Kent County has relayed their support.

In response to Mr. Lewis, Mr. Holden stated that one of the goals for the committee is to establish themselves as a non-profit organization.

With reference to the Capital Cleaners site, Mr. Ruane indicated his expectation that the committee's report would include a preliminary discussion with DNREC that would indicate that such a park could be located on the site.

After much discussion regarding the proposed sites, Mr. Holden stated that he would provide members with an expanded list of all the sites reviewed by the committee and the pros and cons for their use as a skate park.

Mr. Ruane moved to recommend acceptance of the Skate Park Committee Update and commended the Chairman of this committee for their work, seconded by Mrs. Horsey and unanimously carried.

CDBG Program
Members were provided the Status of the FY2007 CDBG Program.

Mr. Ruane relayed his concern with the delay in the completion of 301 W. Loockerman Street and suggested that the City should institute a deadline. Responding to Mrs. Russell, Mrs. Townshend stated that she would provide a comprehensive update regarding the property at 301 W. Loockerman Street to include the trash dumpster issue and blockage of the exit.

Referring to Community Policing, Mr. Ruane requested that staff provide members a memo indicating their objectives, the grant amount, number of foot patrols, etc.

Mr. Ruane moved to recommend acceptance of the CDBG Program Update, seconded by Mr. Lewis and unanimously carried.

Neighborhood Stabilization Fund

Mrs. Townshend, Director of Planning and Inspections, advised members that after the City submitted their grant application to the State for the Neighborhood Stabilization Fund, she was advised that Kent County also submitted an application in the amount of $6.2M.

Mr. Ruane noted that after the committee's meeting, he received an email from the State indicating that there was a change. Responding, Mrs. Townshend stated that the State requested the City to explain why the City has foreclosures and how the program presented would help prevent future foreclosures.

Mr. Ruane noted that based on a document prepared by Ms. Kleimo, there are several reasons for foreclosures, such as overpriced housing in our area and increasing unemployment. Although there are several factors, he was not sure which ones are peculiar to Dover and suggested that such information would be beneficial.

Mr. Ruane moved to recommend acceptance of the Neighborhood Stabilization Fund Update, seconded by Mr. Lewis and unanimously carried.

John W. Pitts Recreation Center

Mrs. Russell relayed a request of seniors who would like for the John W. Pitts Recreation Center to open prior to 8:30 a.m. and suggested that it be opened at 7:00 a.m. for the purpose of utilizing the walkway. Responding, Mr. Carter stated that although staff supports the idea, there are staffing and funding issues.

Mr. Ruane noted that during the community meeting sponsored by the Human Relations Commission there was concern regarding the lack of public transit (bus stop) for the Pitts Recreation Center. He suggested that a letter be submitted by the City to the Transit Authority requesting that the existing route be modified to provide for a bus stop at the Pitts Recreation Center.

Mr. Ruane moved to recommend that the City submit a letter to the Transit Authority requesting that the existing route be modified to provide for a bus stop at the Pitts Recreation Center. The motion was seconded by Mr. Lewis and carried with Mrs. Russell voting no.
(City Clerk's Office Note: Because this item was not on the agenda, it will be placed on the December 9, 2008 Parks, Recreation, and Community Enhancement Committee Agenda for discussion and official action.)

Mrs. Russell stated that although she does not object to providing transportation, her fear was that the concerns relayed during the community meeting involved residents having the ability of having children dropped off at the site, explaining that she is adamantly opposed to the City providing "babysitting" services.

2008 Comprehensive Plan Update

Mrs. Townshend, Director of Planning and Inspections, reviewed the update provided to members regarding the 2008 Comprehensive Plan (***Attachment #3***). She advised members that the draft has been made public and posted on the City's Website and that staff has submitted a response to the

PLUS comments. Mrs. Townshend noted that the public hearing before the Planning Commission has been scheduled for Tuesday, December 2, 2008 at 7:00 p.m. and the public hearing before City Council has been scheduled for Monday, January 5, 2009 at 6:00 p.m.

Responding to Mr. Ruane, Mrs. Townshend stated that no further review has been planned for the committees. It was Mr. Ruane's opinion that the committee's should be provided the opportunity to make comments regarding the final draft. Mrs. Townshend stated that a presentation of the final draft could be made during the committee meetings in December 2008.

Mr. Lewis moved for acceptance of the 2008 Comprehensive Plan Update, seconded by Mrs. Horsey and unanimously carried.

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

Meeting Adjourned at 1:17 P.M.

Respectfully submitted,

Sophia R. Russell
Chairwoman

SR/rr/jg/tm
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Attachments
Attachment #1 - Table of the Active Recreation Area Requirements (to original and file copy only)
Attachment #2 - SS#2 for Ordinance #2008-39
Attachment #3 - 2008 Comprehensive Plan Update (to original and file copy only)

Active Recreation Area Residential Developments requiring Planning Commission review (Site Plan review, Subdivision review)			
	All Residential Developments	**** Residential Development Under 10 acres and density over 6 dwelling units per acre***	**** Residential Development within the Downtown Redevelopment Target Area***
Active Recreation Area Requirement	275 SF per dwelling unit Minimum ½ Acre (21,780 SF)	*150 SF per dwelling unit* *Minimum 10,000 SF*	*75 SF per dwelling unit* *Minimum of 2,500 SF*
Options	• Provide active recreation area • Use cash in lieu for all active recreation area • Provide partial active recreation area with remainder provided cash in lieu	• *Provide active recreation area* • *Use cash in lieu for all active recreation area* • *Provide partial active recreation area with remainder provided cash in lieu*	• *Provide active recreation area* • *Provide partial active recreation area (minimum of 2,500 SF) with remainder provided cash in lieu*
Cash in lieu (Appraised value of land area)	Based on amount of active recreation land area that still needs to be provided.	*Based on amount of active recreation land area that still needs to be provided.*	*Based on amount of active recreation area that still needs to be provided.*

* Proposed text Amendments

ATTACHMENT #1
PR&CE Committee Meeting of 11/10/2008

Active Recreation Area Residential Developments requiring Planning Commission review (Site Plan review, Subdivision review)			
Examples	**All Residential Developments**	**** Residential Development Under 10 acres and density over 6 dwelling units per acre***	**** Residential Development within the Downtown Redevelopment Target Area***
Sample Project	Project Site: 25 acres Unit with 100 units = 27,500 SF	*8 acres with 100 units = 15,000 SF*	*1 acre with 100 units = 7,500 SF* *Required to provide minimum of 2,500 SF*
	7 acres with 192 units = 52,800 SF Provided 20,313 SF Active Recreation Area and remainder (32,487 SF) as cash in lieu	*7 acres with 192 units = 28,800 SF* *Provided 20,313 SF Active Recreation Area, remainder (8,487 SF) provided in cash in lieu*	
	136 units = 37,400 SF Provided Active Recreation Area		*136 units = 10,200 SF* *Required to provide 2,500 SF* *Provided Active Recreation Area*

FIRST READING

CITY OF DOVER STAFF SUBSTITUTE #2 FOR ORDINANCE #2008-39

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

That Appendix B - Zoning Ordinance, Article 5 - Supplementary Regulations, Section 10 - Open Space, Recreation and Other Public Facilities, Subsection 10.5 - Exemption to Recreation Area and Open Space Dedication be amended to add new subsections 10.514 and 10.515:

10.514 *Residential developments of ten (10) or fewer acres and a density over six units per acre*. These developments shall be exempt from the area requirements set forth in section 10.16, but shall be required to provide 150 square feet of active recreation area per dwelling unit or 10,000 square feet of active recreation area, whichever is greater. If the commission determines that the construction of some or all of the required active recreation area is not practical or desirable, the commission shall require a cash in lieu donation for the active recreation area determined as not practical or desirable. Cash in lieu amount shall be in accordance with subsection 10.173 of this article.

10.515 Residential developments located within the Downtown Redevelopment Target Area as defined in Appendix C. These developments shall be exempt from the area requirements set forth in section 10.16, but shall be required to provide 75 square feet of active recreation area per dwelling unit with a minimum of 2,500 square feet provided on site. If the commission determines that the construction of the entirety of the required active recreation area is not practical or desirable, the commission shall require a cash in lieu donation for the active recreation area determined as not practical or desirable. Cash in lieu may only be utilized for the required amount of active recreation area over 2,500 square feet and shall be calculated in accordance with subsection 10.173 of this article.

Ssynopsis

The proposed ordinance would require a smaller amount of active recreation area for smaller properties with a higher density and for properties located within the Downtown Redevelopment Target Area.

ADOPTED: *

Actions History
November 10, 2008 - Introduced at PR&CE Committee

Draft

MEMORANDUM

Department Public Services – Planning & Inspections
P.O. Box 475
Dover, Delaware 19903
Phone: 302.736.7010 Fax: 302.736.4217

Date: October 29, 2008

To: Parks, Recreation & Community Enhancement Committee

From: Ann Marie Townshend, AICP

RE: 2008 Comprehensive Plan Status Report

The following is an update on the status of the 2008 Comprehensive Plan.

- The Planning Office received State comments on the Comprehensive Plan and has incorporated changes into the Plan and prepared a response to the State's comments.

- The Planning Office will release a final draft of the Comprehensive Plan on October 31, 2008.

- The Planning Office is in the process of scheduling public hearings before the Planning Commission and City Council on the final draft of the Comprehensive Plan. The Planning Commission hearing is tentatively scheduled for Tuesday, December 2, 2008. The City Council hearing and final action will be scheduled for early January 2009. I will work with the City Clerk to confirm this date.

ACTION FORM

PROCEEDING: City Council	**AGENDA ITEM NO**:
DEPARTMENT OF ORIGIN: Assessor's Office	**DATE SUBMITTED**: 11/08/2008
PREPARED BY: City Assessor, Cheryl Russell	
SUBJECT: Revaluation Services for the 2010 Assessment	
REFERENCE: N/A	
RELATED PROJECT: N/A	
APPROVALS: City Manager, Controller	
EXHIBITS: #1) Pricing and Billing Summary; #2) Summary of Services Information from Tyler Technologies	
EXPENDITURE REQUIRED: $350,000 (FY 09) $381,500 (FY 10)	**AMOUNT BUDGETED**: $400,000 (FY 09) **PLANNED** $400,000 (FY 10)
FUNDING SOURCE (Dept./Page in CIP & Budget): Assessor/Page 342 Acct #110-1300-513.30-31 $800,000 was split into two (2) fiscal Years. (09 and 10)	
TIMETABLE: Contract will be signed following Council Approval. Project to begin immediately; ending by Spring 2010.	
RECOMMENDED ACTION: Staff recommends awarding the Proposal for Revaluation Services to Tyler Technologies for the amount of $731,500, plus any additional overage fees. (see Price and Billing Summary-attached)	

BACKGROUND AND ANALYSIS

The purpose of this City-wide revaluation is to maintain value equity and uniformity real property values in the City of Dover. This revaluation fulfills our obligation pursuant to Chapter 102, Section 102-1 of the City Code to have a reassessment conducted by a certified independent outside appraiser for 2010. Specifically:

Section 102-1 "Pursuant to section 47 of the Charter, commencing with the year 2010 and every ninth year thereafter, the annual reassessment shall be conducted by a certified independent outside appraiser chosen by the council. In all other years and in accordance with section 47 of the Charter, the annual valuation and assessment shall be conducted by the city assessor".

A Request for Proposal was advertised and sent to three revaluation companies. Tyler Technologies is the only vendor who has responded to our request. Tyler Technologies has helped conduct City-wide revaluations in the past and the Assessor's Office is currently utilizing software from Tyler Technologies.

The proposal by Tyler Technologies states that they will conduct a comprehensive revaluation; wherein they will visit every parcel within the City of Dover limits and verify our existing information. Any discrepancies or additions to our existing information will be documented and given to the data entry personnel for input into the CAMA Software. The Company will be responsible for all mailings (except Income and Expense Statements); data collection; data entry; revaluing parcels; digital photography; and informal appeals. They will also be available for formal appeals for two weeks. There will be approximately 5 to 10 field representatives, 2 appraisers; 2 data entry personnel; and 1 project manager, all employed by Tyler Technologies. Many of the office staff and field staff will be hired and trained locally.

The Assessor's Office Staff will be actively reviewing information and services conducted by Tyler Technologies to ensure quality, in addition to the field quality checks that will be conducted by group leaders from the Company. We will verify a percentage of all work that comes through from the data collectors.

A bi-weekly progress report will be supplied to the Assessor's Office from Tyler Technologies which will be provided to the Council via the Assessor's Office Monthly Report, for your review. At the conclusion of the revaluation, a Mass Appraisal Report summarizing the work performed will be provided to the Assessor's Office to complement supporting materials that were provided during the course of the project. This report will also be provided to City Council upon completion.

Hardware will need to be provided for the Tyler technologies office staff that will be hired to conduct the Revaluation. We will utilize some of the money budgeted for this project to purchase four (4) computers and one (1) printer capable of mass printing. Tyler Technologies will provide paper and ink for the mass mailings (except for the Income and Expense Statements).

tyler
CLT DIVISION

Price & Billing Summary

Tyler | CLT proposes to provide the services for a complete Revaluation Project for the 2010 tax year in compliance Delaware State Laws and Regulations, for the sum of:

Seven Hundred Thirty- One Thousand, Five Hundred Dollars ($731,500.00)

Activity	%	fee
Project Bonding & Commencement	**10%**	**$ 73,150**
Data Collection & Data Entry	**45%**	**$ 329,175**
Image Gathering	**3%**	**$ 21,945**
Valuation Analysis	**15%**	**$ 109,725**
Valuation Production	**5%**	**$ 36,575**
Field Review of Values	**15%**	**$ 109,725**
Informal Process	**6%**	**$ 43,890**
Formal Appeal Support (10 Man Days)	**1%**	**$ 7,315**
Total	**100%**	**$ 731,500**

Fiscal Year Limitation: Regardless of the fees earned by the Company, the City's payment obligation will not exceed $350,000.00 in the fiscal year ending June 30, 2009. Any and all fees earned that exceed $350,000.00 will be billed in the fiscal year beginning July 1, 2009.

Retainage: The Company will invoice the City based on the Activities listed above. All invoices prior to the invoice for Formal Appeal Support will have 10% retainage withheld. All retainage will be invoiced once the Informal Process is complete, and the City has given final approval of the assessment roll. No retainage will be included with invoices for Formal Appeal Support.

OVERAGE RATES:
If the parcel counts in the January 1, 2010 assessment roll exceeds 11,635, the City will pay the company the following parcel overage fees:

Vacant Land	$20.00/parcel
Residential Improved	$40.00/parcel
Commercial Improved	$125.00/parcel

Digital Imaging Services for each image in excess of 10,973 ..... $2.00/ea

1.0 SUMMARY OF SERVICES TO BE PROVIDED

1.1 Understanding of the City's Goals

The Company will provide appraisal services relating to a full market value reappraisal of residential, commercial, farm, industrial, public utility, and exempt parcels of real property in City of Dover using the City's iasWorld software. This reappraisal includes parcels contained within these real estate classes and manufactured homes taxed as real estate.

1.2 Compliance with Rules and Regulations

The Company will comply with all the State Rules and Regulations of the as of the date of this Agreement. The appraisal methods the Company proposes to employ will provide an efficient and effective reappraisal for the City. The accuracy for which the Company strives in establishing the final estimate of market value is not only supportable in the pre-appeal stage of the project, but is targeted to control the number of appeals and to ensure the methods of their defense. The success of any project of this magnitude relies on monitoring done by the City, and the Company welcomes the Assessor's or her designee's active participation.

1.3 Appraisal Manuals and Appraisal Methods

The Company will provide new replacement cost manuals for all types of properties and will utilize three (3) approaches to value, when applicable as determined by the Company, in the appraisal of the residential, agricultural, commercial, industrial and exempt properties to ensure that the final results are both accurate and equitable in relation to all values produced.

In addition the Company will provide a Mass Appraisal Report summarizing the work performed during the City of Dover reassessment program. This report is intended to complement, but not replace, supporting materials that will have been provided to the Chief Assessor during the course of this project.

1.4 Appraiser-In-Chief

It is understood that the Chief Assessor is to serve and act as Appraiser-in-Chief and that all decisions as to final assessed valuations, procedures followed, and forms used in the reappraisal will be made by the Chief Assessor or her designee.

The Company agrees that the appraisers, reviewers, and field representatives employed by the Company are subject to the Chief Assessor's approval.

1.5 Period of Performance

The Company's performance of its obligations under this Agreement, "the Project," shall begin on or before January 1, 2009 with the commencement of planning and other preparatory work, and the Company shall be prepared to make delivery to the City as hereinafter provided for on March 15, 2010.

1.6 Value to be Determined

The appraisals shall be the Company's opinion of the full Market Value as of January 1, 2010 the "Date of Value," reflecting parcel inventory as of that date, the "Tax Lien Date," also the "Cutoff Date." The Company shall appraise improvements partially complete on the Cutoff Date.

1.7 Step-by-Step Summary of Procedures

The following is the procedure the Company will use during the reassessment reappraisal of City of Dover, Delaware:

Using iasWorld software, begin map pack preparation for start up of the field effort.

Print data collection documents in map/routing order.

Each parcel will receive an on-site inspection for the purpose of verifying, collecting and recording data. The data collector will list all required current parcel characteristics including measurements and data as to the physical specifications of each structure except when a parcel is vacant, permission is denied, or the premises appear to be unsafe or the occupant(s) threatening. For manufactured homes assessed as real estate the park name and owner will also be verified.

A report will be provided to the Assessor bi-weekly on the status of the data collection process with appropriate statistical information.

Field quality checks will be performed by group leaders on data collected throughout the process. Results will be reviewed with individual data collectors. The results of these field quality checks will be available for the Assessor or her staff's review. Quality control procedures are outlined in more detail in Article 2.9.

Agricultural data collection will follow the same basic approach as outlined above with special attention being given to outbuildings separately and as to their functional utility to the whole property.

One hundred percent of all data collected parcels will undergo a clerical check for completeness and accuracy. Parcels failing the quality check requirements will be returned to the field for correction.

Results from the data collection effort will be entered into the iasWorld CAMA system.

Using data provided by the City in the iasWorld CAMA system, research and validate sales with field checks and transfer verification. For land values, use land only sales and the abstraction process as necessary.

With input from the City's staff, define neighborhood delineation using validated sales and iasWorld system tools. Creation of neighborhood delineation map and post any changes to the neighborhood codes to parcels in the iasWorld CAMA system.

Analyze land sales and establish land values in square foot, site value or acreage format. Update the computer assisted land tables (CALP) in the iasWorld system. See section 2.3.9 of this proposal for more detail.

Gather and analyze current construction costs for dwellings and various types of farm buildings. Using verified construction cost, determine cost schedule level. Test and refine cost and depreciation schedules. After approval by the Assessor, compile a Review manual for use in final valuation and update cost and depreciation tables in the iasWorld CAMA system.

Cost the CAMA file and test results against sale parcels by neighborhood grouping. Finalize cost and depreciation tables.

Concurrent to the Residential/Agricultural effort, Commercial/Industrial data collection will begin. The Commercial/Industrial data collector will visit each commercial/industrial parcel and verify, collect, and record data. The data collector will make an interior and exterior inspection of each principal structure except when a parcel is vacant, permission is denied, or the premises appear to be unsafe or the occupant(s) threatening.

Special attention will be given to gathering rents, income, and expense data and verifying sales.

Commercial/Industrial Field Reviewers will determine that the structures have been properly described so as to assure the use of the proper schedules for computing replacement cost new; shall make a judgment as to the grade of construction and depreciation (both functional and physical) of each structure; shall apply unit land value and adjust values to account for the property site characteristics; shall take into account the income approach to value, if applicable; shall consider indicated value of the structure and indicated value of the land against sales information concerning comparable properties and shall make a determination on the judgmental factors which affect the computation of the opinion of value.

Data collected or changed during the field review of properties will be keyed into the iasWorld CAMA system.

Perform analysis to verify uniformity and equalization of parcels throughout the City. Generate reports showing impact of reappraisal.

Continue analysis of sales ratio studies towards finalization of values using both neighborhood and taxing district groups.

Run and resolve mismatch reports between tax accounting and the CAMA files.

Generate tentative abstract using the City's software and submit to the Chief Assessor for her approval.

Conduct informal hearings.

Inspect properties where needed as a result of informal hearings.

Mail notices of change to those properties where the values changed as a result of the informal hearing process.

DOVER FIRE DEPARTMENT

Established 1882

Date: November 17, 2008

To: City Clerk's Office
Fr: Mikell Reed
President
Re: Appointment of 3rd Assist. Fire Chief

The person listed below has run uncontested for the position of 3rd Assist. Fire Chief for the calendar year of 2009. In accordance with the City of Dover Code of Ordinances section 46-80, this individual is presented for appointment to City Council for his listed position.

3rd Assist. Chief Jason Osika

Any questions regarding this position, please contact me.

Yours in service,

Mikell J. Reed
President

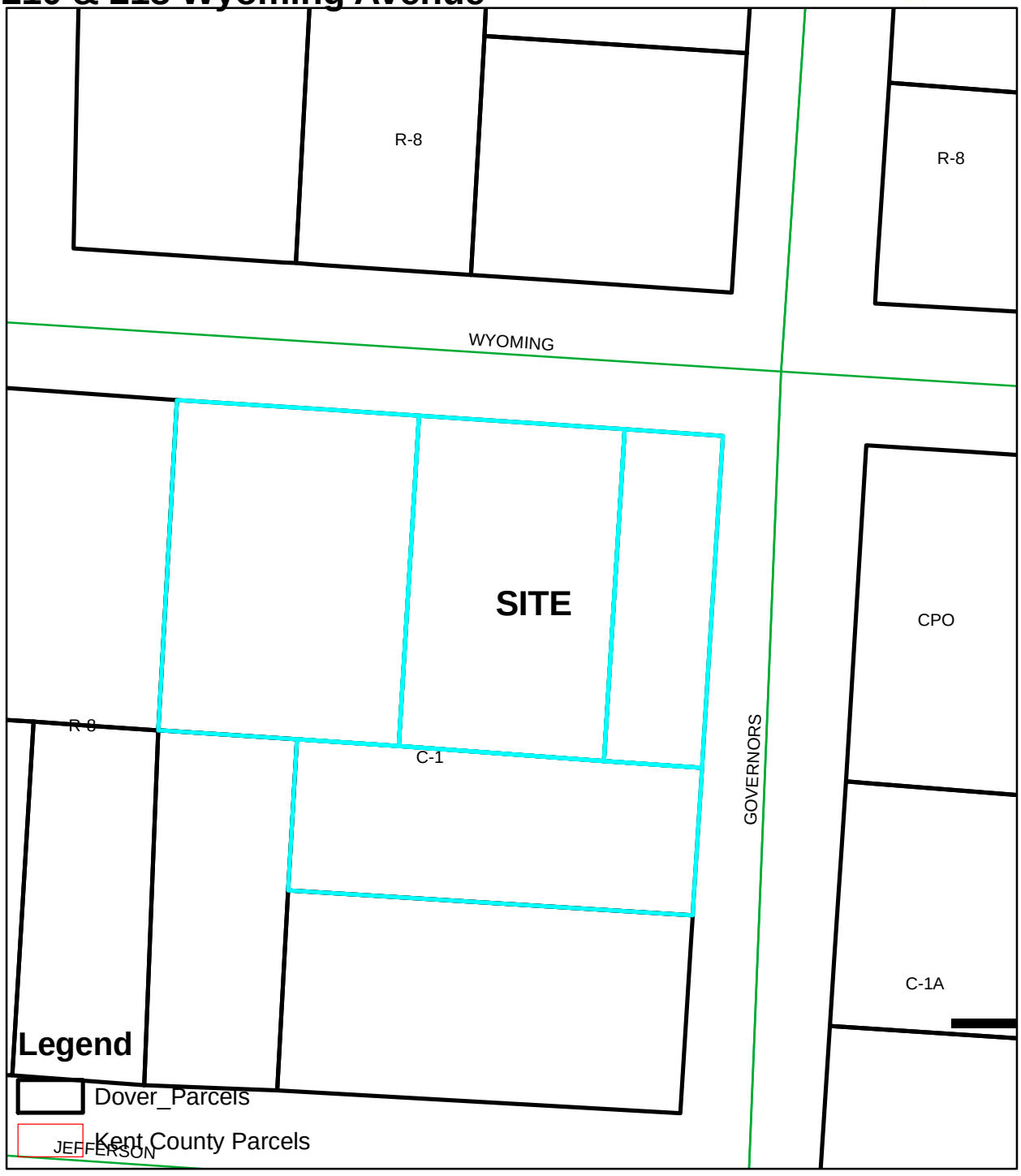
Nicole Carey
Secretary

103 South Governors Avenue • Dover, Delaware 19904
Headquarters: (302) 736-7168 • Fire Chief's Office: (302) 736-7167 • FAX: (302) 736-7166

PETITION TO AMEND AND ZONING DISTRICT
First Reading Before the Dover City Council
November 24, 2008

Applicants/Owners:	Janice Sosnowski Governors Avenue Realty, LLC
Location:	1002 & 1008 South Governors Avenue and 210 & 218 Wyoming Avenue
Tax Parcel ID #:	ED-05-077.17-06-20.00-000 ED-05-077.17-06-31.00-000 ED-05-077.17-06-32.00-000 ED-05-077.17-06-33.00-000
Size:	0. 8379 +/- acres
Present Use:	Commercial
Proposed Use:	Commercial
Comprehensive Plan Designation:	Commercial
Present Zoning:	C-1 (Neighborhood Commercial Zone)
Proposed Zoning:	C-1A (Limited Commercial Zone)
Reason for Request:	To consolidate parcels and construct a new veterinary hospital
File Number:	Z-08-12

Z-08-12
Governors Avenue Animal Hospital
1002 & 1008 South Governors Avenue and 210 & 218 Wyoming Avenue



0 37.5 75 150 Feet

<und><bol>City of Dover</bol></und>
<bol>Department of Planning</bol>
Z-08-12 Governors Avenue Animal Hospital
Parcel IDs: ED05-077.17-06 (20, 31, 32, & 33)
Acres: 0.8379 +/- Total
Council District 2
Current Zoning: C-1 (Neighborhood Commercial Zone)
Proposed Zoning: C-1A (Limited Commercial Zone)

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FIRST READING

CITY OF DOVER
PROPOSED ORDINANCE #2008-42

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT 1002 AND 1008 SOUTH GOVERNORS AVENUE AND 210 AND 218 WYOMING AVENUE (GOVERNORS AVENUE ANIMAL HOSPITAL)

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

WHEREAS, it is deemed in the best interest of zoning and planning to change the permitted use of property described below from C-1 (Neighborhood Commercial Zone) to C-1A (Limited Commercial 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 C-1 (Neighborhood Commercial Zone) to C-1A (Limited Commercial Zone) on that property located at 1002 and 1008 South Governors Avenue and 210 and 218 Wyoming Avenue (Governors Avenue Animal Hospital) consisting of 0.8379 $^{+/-}$ acres, owned by Governors Avenue Realty, LLC and Janice L. Sosnowski.

ADOPTED: *

S:\ClerksOffice\PACKETS\2008\Council\11-24-2008\ORDINANCE #2008-42 FIRST READING.wpd

Draft

FIRST READING

CITY OF DOVER STAFF SUBSTITUTE #2 FOR ORDINANCE #2008-39

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

That Appendix B - Zoning Ordinance, Article 5 - Supplementary Regulations, Section 10 - Open Space, Recreation and Other Public Facilities, Subsection 10.5 - Exemption to Recreation Area and Open Space Dedication be amended by adding new subsections 10.514 and 10.515, as follows:

10.514 *Residential developments of ten (10) or fewer acres with a density over six units per acre*. These developments shall be exempt from the area requirements set forth in section 10.16, but shall be required to provide 150 square feet of active recreation area per dwelling unit or 10,000 square feet of active recreation area, whichever is greater. If the commission determines that the construction of some or all of the required active recreation area is not practical or desirable, the commission shall require a cash in lieu donation for the active recreation area determined as not practical or desirable. Cash in lieu amount shall be in accordance with subsection 10.173 of this article.

10.515 Residential developments located within the Downtown Redevelopment Target Area as defined in Appendix C. These developments shall be exempt from the area requirements set forth in section 10.16, but shall be required to provide 75 square feet of active recreation area per dwelling unit with a minimum of 2,500 square feet provided on site. If the commission determines that the construction of the entirety of the required active recreation area is not practical or desirable, the commission shall require a cash in lieu donation for the active recreation area determined as not practical or desirable. Cash in lieu may only be utilized for the required amount of active recreation area over 2,500 square feet and shall be calculated in accordance with subsection 10.173 of this article.

Ssynopsis

The proposed ordinance would require a smaller amount of active recreation area for smaller properties with a higher density and for properties located within the Downtown Redevelopment Target Area.

ADOPTED: *

Actions History

November 24, 2008 - Introduced at Council

November 10, 2008 - Introduced at PR&CE Committee

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