REGULAR COUNCIL MEETING
A G E N D A
REVISED

September 8, 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 PASTOR PATRICIA PAYNE OF ST. ANDREW'S LUTHERAN CHURCH

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 - Regular Council Meeting of August 25, 2008

2. Proclamations
   - A. Constitution Week
   - B. Dover CROP Hunger Walk
   - C. Senior Center Month

3. Public Hearing - Alley Abandonment - 1124, 1128, and 1130 Forrest Avenue

* 4. Tax Appeals Committee Report - August 19, 2008
   - A. Stipulation
     - a-1. Cedar Beach Enterprises Inc.
     - a-2. McClements
     - a-3. Ellis

5. Legislative, Finance, and Administration Committee Report - August 25, 2008
   - A. Independent Accountant Report *(Haggerty & Haggerty)*

     (Committee recommended that negotiations continue between the Fire Department, including the Controller/Treasurer and Council, and that those members of Council participating be appointed by Council at their next meeting and be given authority to represent Council for a report back at a future meeting of the committee for a final resolution of this matter)

     (Committee recommended that the negotiating principles are the eight (8) points found on the action form submitted by the Controller/Treasurer)

     (Committee recommended denial of Option #1 of the Independent Accountant's Report)

   * B. Scope of Review - Chapter 58, Human Relations, of the Dover Code

     (Committee Action Not Required - Scope of Review Established)

* 6. Safety Advisory and Transportation Committee Report - August 26, 2008
   A. Central Middle School Traffic Flow
      (Committee Action Not Required)
   B. Presentation by Mayor Carey - Mayor's Meeting with Norfolk Southern Railroad
      (Committee Action Not Required)
   C. Update on Sex Offender Unit *(Chief Horvath)*
      (Committee Action Not Required)
   D. Briefing on DelDOT Projects - Gary Laing
      (Committee Action Not Required)
   E. Design of Spruance Road to Provide Speed Reduction
      (Committee Action Not Required)

* 7. Monthly Reports - July 2008
   A. City Assessor Report *(June and July)*
   B. CIP Report

* 8. Proposed Revisions to Packet Item Submission Deadline and Packet Delivery Schedule

9. Appointment of Council Members to Review Haggerty & Haggerty Recommendations

* 10. Appointment Recommended by Mayor Carey - Dover Metropolitan Planning Organization (MPO) Public Advisory Committee - At-Large Alternate - Dr. Carlton L. Cannon, Jr. (Two-Year Term to Expire July 2010)

11. Council Members Announcements

/tm
S:\ClerksOffice\Agendas&Minutes\Council-Agendas\2008\09-08-2008 Revised.wpd

THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS.

REGULAR COUNCIL MEETING

The Regular Council Meeting was held on August 25, 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 Police Chief Horvath, Ms. Russell, Mrs. Mitchell, Mrs. Townshend, 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 Councilman Salters, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

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

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

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF AUGUST 11, 2008

The Minutes of the Regular Council Meeting of August 11, 2008 were unanimously approved by motion of Mrs. Russell, seconded by Mrs. Williams and bore the written approval of Mayor Carey.

PUBLIC HEARING/FINAL READING - PROPOSED ZONING TEXT AMENDMENT

A public hearing was duly advertised for this time and place to consider approval of a proposed zoning text amendment that is intended to promote redevelopment of the downtown area.

Mr. Leary moved that the Final Reading of the proposed zoning text amendment be acknowledged by title only, seconded by Mr. Salters and unanimously carried. *(The First Reading of the ordinance was accomplished during the Council Meeting of July 28, 2008).*

Mrs. Townshend, Director of Planning and Inspections, advised members that the 2003 Comprehensive Plan calls for the implementation of a "downtown mixed use traditional development zone"; therefore, the proposed ordinance was developed by staff. She explained that the C-2 (Central Commercial) zone is the mixed use zone that occupies the core of the downtown. The C-2A (Limited Central Commercial) zone occupies some of the areas surrounding this downtown area, as well as other urbanized areas within the City. She reviewed a summary of the proposed amendments as provided in the Petition to Amend Zoning Ordinance Text (***Exhibit #1***), which was provided to members. Mrs. Townshend advised members that the Planning Commission recommended approval of the proposed amendments. She reminded members that staff is working

with the Parks, Recreation, and Community Enhancement Committee to develop a separate ordinance to address open space and active recreation requirements as they relate to the downtown area, which should be forthcoming.

Considering that the goal is for the development of the downtown area, Mrs. Russell stated concern that the City is instituting additional stipulations (regarding the personal service stores) and felt that as long as the businesses coming to the area are productive, why would the City care about their type of business. Responding, Mrs. Townshend explained that the objective is to bring a balance to the area by easing current restrictions. However, she stated that several of the downtown merchants, as well as members of the Main Street Board, relayed concerns regarding personal service stores, feeling that the removal of the restriction would harm the character of the downtown area. She explained that the amendment would not prohibit personal service stores from the area; however, they would be required to obtain a conditional use permit if located within 250 feet of another personal service store.

Mrs. Russell felt that the merchants should not be making decisions regarding businesses coming to the downtown. She suggested that any type of business be permitted to locate in the area as long as it is a decent business. She also felt that in order to develop the area, the City should remove some of the guidelines that have been established.

With regards to the personal service stores located on Loockerman Street, Mr. Salters questioned why the stipulation is specific to those located between State and New Streets, noting that there are several businesses that extend beyond New Street. Responding, Mr. DePrima explained that several years ago it was felt that the area between State and New Streets, on Loockerman Street, were more retail oriented and were not providing businesses that served the residential community. However, since it was felt that those businesses along Loockerman Street from New Street to the railroad tracks were community oriented businesses providing a service to the residential neighborhood, it was determined that the restrictions were not necessary.

Noting that the City's target area includes Loockerman Street from State Street to the railroad tracks, Mr. Salters stated his opinion that the ordinance amendment should include the entire Loockerman Street corridor.

Responding to Council President Hogan, Mrs. Townshend clarified that amendments #1-#3 were not included in the final draft ordinance amendment provided to members. As a result, she suggested that members consider the amendments prior to consideration of the proposed ordinance.

Mrs. Williams moved to proceed with the public hearing, seconded by Mr. Leary and unanimously carried.

Council President Hogan declared the hearing open.

Mr. Connie Malmberg, 3 The Green, advised members of his support for the proposed ordinance amendment, with the exception of concerns regarding the 25 foot setback requirement for buildings over three (3) stories (Staff Amendment #3), which was not recommended for approval by the

Planning Commission. It was also his opinion that the proposal serves to undercut the authority of the Historic District Commission, which reviews projects on a case by case basis and has authority to impose setbacks. By mandating this requirement, the City would essentially be eliminating this authority. Mr. Malmberg advised members that Hue Architect, the architect for Franklin Hall, Jackson Hall, and the Collegian, had also relayed opposition to this requirement to the Planning Commission. Noting that the perceived ill that the proposed amendment would cure is concerns of a tunnel effect, he stated that this perception is not substantiated. He explained that if everyone in the downtown area built six (6) story buildings, there would not be a tunnel effect created due to the architecture of the buildings and the mature trees that are currently along the streets. Due to the hindrance to three (3) of the projects that he and Hue Architect have an interest in, he indicated support for the Planning Commission's recommendation to eliminate the amendment requiring the 25 foot setback.

Mr. Malmberg also relayed concern regarding the requirement that a ½ parking space be provided for every 300 square feet of new construction (non-residential). He stated that the ½ parking space would cost approximately $7 per square foot, which would equate to $21,000 for a 3,000 square foot building. He explained that if a contractor were to demolish an old dilapidated structure and replaced it with a new modern structure, which would enhance the downtown, they would be required to pay this additional fee. However, if a contractor were to make repairs to the old dilapidated structure, they could avoid the additional fee. Mr. Malmberg suggested that members consider eliminating the fee or lowering the fee to half the cost. It was his feeling that this requirement eliminates one of the incentives for new construction in the downtown.

Noting that the open space and active recreation requirements were geared towards typical neighborhoods, Mr. Malmberg expressed his opinion that the requirements are crippling to multi-story housing for the downtown.

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

Mr. Ruane moved for adoption of PR&CE Amendment #1 to Ordinance 2008-33, seconded by Mr. Slavin and by a unanimous roll call vote, Council adopted the following ordinance:

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

That Ordinance 2008-33 be amended by striking lines 34 and 35 in their entirety.

ADOPTED: AUGUST 25, 2008

In response to Mr. Ruane regarding an amendment that would extend the requirement to the railroad tracks, Mr. DePrima suggested that the property owners be notified prior to taking any action in this regard since they would be affected by such a change.

Mr. Slavin moved for adoption of Staff Amendment #2 to Ordinance 2008-33, seconded by Mr. Leary and by a unanimous roll call vote, Council adopted the following ordinance:

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

That Ordinance 2008-33 be amended by striking lines 24 through 28 in their entirety and replacing them with the following:

> 13.100 [13.20] Personal service stores, including, but not limited to, barbershops, beauty shops, tailors, day spas, and other establishments in which the primary business is the sale of a service, rather than a product, except that such stores located on the first floor on Loockerman Street between State Street and New Street and located within 250 feet of another personal service store shall require a conditional use permit.

ADOPTED: AUGUST 25, 2008

Mr. Slavin moved for adoption of PC Amendment #3 to Ordinance 2008-33, as recommended by the Planning Commission, seconded by Mrs. Williams and by a unanimous roll call vote, Council adopted the following ordinance:

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

That Ordinance 2008-33 be amended by striking from the table inset at line 187, in the C-2 column, Front Yard (ft.) row the following:

> ; if building is over 3 stories, any story above the 3rd story shall have a 25-foot front yard setback.

ADOPTED: AUGUST 25, 2008

Mr. Slavin moved for adoption of Ordinance 2008-33, as amended, seconded by Mr. Leary and by a unanimous roll call vote, Council adopted the following ordinance:

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

That Appendix B - Zoning Ordinance, Article 3 – District Regulations, Section 13- Central Commercial Zone (C-2) be amended to read as follows:

Section 13. Central commercial zone (C-2).

13.1 *Uses permitted.* In a central commercial zone (C-2), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following uses and their accessory structures and uses normally accessory thereto:

13.11 Retail stores.

13.12 Financial institutions.

13.13 Theaters and restaurants.

13.14 Hotels, including bed and breakfast inns.

13.15 Art galleries and studios, including dance studios, photography studios and interior decorating studios.

13.16 Photocopy and film processing shops.

13.17 Formal wear rental.

13.18 Travel agency.

13.19 Optometrist.

13.100 [13.20] Personal service stores, including, but not limited to, barbershops, beauty shops, tailors, day spas, and other establishments in which the primary business is the sale of a service, rather than a product, except that such stores located on the first floor on Loockerman Street between State Street and New Street and located within 250 feet of another personal service store shall require a conditional use permit.

13.101 [13.21] Business, professional, and government offices, except that such offices located on the first floor on Loockerman Street between State Street and New Street shall require a conditional use permit.

13.102 [13.22] Apartments, provided that no dwelling units shall be permitted in the first floor and at least one off-street parking space shall be provided in the area for each apartment.

13.2 *Conditional uses.* The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10, section 10.1 [1] of this ordinance and to any specified requirements set forth below. Any of the following uses in existence at the time this ordinance [section] is adopted are considered permitted uses, and shall not lose their status as permitted uses in their existing locations

unless the use is changed to one of the uses listed above in [sub]section 13.1 of this ordinance [section]. Changes from one conditional use to another will require conditional use approval.

13.21 Personal service stores, including, but not limited to, barbershops, beauty shops, tailors, day spas, and other establishments in which the primary business is the sale of a service, rather than a product, located on the first floor on Loockerman Street between State Street and New Street and located within 250 feet of another personal service store.

13.22 Business, professional, or government offices located on the first floor on Loockerman Street between State Street and New Street.

13.23 Outlets and pick-up stations for laundries and cleaning establishments.

13.24 Laundromats, limited to not more than 30 washing machines per establishment.

13.25 Newspaper printing, including incidental job printing.

13.26 Parking lots and parking structures as a principal use.

13.27 Places of worship.

13.28 Youth clubs, fraternal clubs, charitable organizations, and similar institutions, regardless of whether the club or organization is for private membership or open to the general public.

13.29 Social service agencies.

13.200 [13.30] Manufacturing, assembling, converting, altering, finishing, cleaning, or any other processing of products where goods so produced or processed are to be sold at retail exclusively on the premises, provided that:

(a) An area fully concealed from any street and equal to not more than 20 percent of the area devoted to retail sales shall be so used;

(b) Electrical power not to exceed a total of five rated horsepower, and steam pressure not in excess of 60 pounds of pressure per square inch shall be used exclusively;

(c) Not more than four employees are engaged in such production or processing.

13.3 *Submission requirements for conditional uses in the C-2 zone.* The following submission requirements shall be used in lieu of the requirements of article 10, section 1.6, in the event that the business, office, or establishment seeking conditional use approval will be occupying an existing structure:

(a) The applicant shall cause a site map to be prepared. The applicant shall submit 21 copies of the site map at the time of application. The site map shall conform to the following specifications and the following elements shall be included on the site map:

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

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

3. A conceptual floor plan of the building is required. This floor plan must depict the location and percent of total floor area devoted to the proposed uses. Any uses on separate floors which are not the subject of the application must be referenced by a note on the plan. The city planner may request more detailed information, including architectural floor plans, on a case-by-case basis at his/her discretion.

4. Legal data:

(a) Lot, block, and section number.

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

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

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

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

(f) The location and names of adjacent streets.

(g) The location, zoning, and owners of record of all adjacent properties.

13.4 *[Enclosed buildings.]* All permitted and conditional uses and all storage accessory thereto, other than off-street parking, shall be carried on in buildings fully enclosed on all sides.

13.5 *Multiple establishments permitted.* Due to the mixed use nature of the downtown area, multiple establishments are permitted in individual structures in the C-2 zone. All establishments must conform to the minimum bulk standards of the C-2 zone. This [sub]section does not relieve establishments from complying with any and all applicable building and fire codes.

13.6 *[Signs.]* Signs shall meet the regulations found in article 5, section 4, supplementary sign regulations.

13.7 *Uses prohibited.* Residences, other than living quarters, for not more than one family, incidental to each permitted building on each lot for the use of the owner or caretaker of such building or of the owner or caretaker of the permitted use or uses housed in such building, provided that apartments shall be permitted in accordance with [sub]section 13.102 [13.22 of this section].

13.8 *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.

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

13.10 *Parking Location.* Parking required within this zone shall not be subject to the requirements of Article 6, Section 3.3 Location and Ownership; however, must be deemed by the planning commission to be proximate to the proposed use.

BE IT FURTHER ORDAINED THAT:

Appendix B - Zoning Ordinance, Article 3 – District Regulations, Section 14- Limited Central Commercial Zone (C-2A) be amended to read as follows:

Section 14. Limited central commercial zone (C-2A).

14.1 *Uses permitted.* In a limited central commercial zone (C-2A), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

14.11 All uses permitted in the neighborhood commercial zone (C-1A).

14.12 Business, professional or governmental offices.

14.13 Banks, theaters and restaurants.

14.14 Apartments, provided that no dwelling units shall be permitted in the first floor and at least one off-street parking space shall be provided in the area for each apartment.

14.15 Hotels, clubs and places of worship.

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

14.17 All permitted uses and all storage accessory thereto, other than off-street parking, shall be carried on in buildings fully enclosed on all sides.

14.18 Civic Institutions.

14.2 *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.

14.3 *Site development plan approval.* Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and prior to the issuance of certificates of occupancy for any change of use.

14.4 *Conditional Uses.* The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10, section 10.1 [1] of this ordinance and to any specified requirements set forth below:

(a) Social service agencies.

14.5 *Multiple Establishments permitted*. Due to the mixed use nature of the zoning district, multiple establishments are permitted in individual structures in the C-2A zone. All establishments must conform to the minimum bulk standards of the C-2A zone. This {sub} section does not relive establishments from complying with any and all applicable building and fire codes.

BE IT FURTHER ORDAINED THAT:

Appendix B - Zoning Ordinance, Article 4 – Zoning Bulk and Parking Regulations, Section 4.14- [C-1, C-1A, C-2, C-2A Zones] be amended to read as follows:

Section 4.14. [C-1, C-1A, C-2, C-2A zones.]

Bulk and parking regulations for neighborhood commercial (C-1), limited commercial (C-1A), central commercial (C-2), and limited commercial (C-2A) zones [are as follows]:

TABLE INSET:

	C-1	C-1A	C-2	C-2A
Minimum required:				
Lot area				
Lot width (ft.)	35	100	0	50
Lot depth (ft.)	100	75	70	100
Front yard (ft.)	25	25	0	15
Side yard (ft.)	None required, but 10 feet min. if provided	15	Same as C-1	Same as C-1
Rear yard (ft.)	20	15	20 above ground floor. At ground floor, 5 ft. required	Same as C-2
Side or rear yards which adjoin a residential zone (ft.)	25	25	25	25
Off-street parking				
Per 300 sq. ft. floor area or	2	1 1/2	½ for new construction	1
Per employee (whichever is greater)	0	1	0	1
Maximum permitted:				
Building height				
Stories	2	2	6	6
Feet	30	30	60	60
Floor area ratio	0.5	0.35	4.0	4

ADOPTED: AUGUST 25, 2008

UTILITY COMMITTEE REPORT - AUGUST 11, 2008

The Utility Committee met on August 11, 2008 with Chairman Ruane presiding.

Request for Alley Abandonment (paper) - 1124, 1128, and 1130 Forrest Avenue - Ennis Business Associates, L.L.C.

A request was received from Mr. Bruce C. Ennis, Managing Member of Ennis Business Associates, LLC., for the abandonment of an alley which runs southerly 215 feet from Forrest Avenue and then easterly 200 feet between 1124, 1128 and 1130 Forrest Avenue. The alley is unimproved and is considered to be a "paper" alley; therefore, it does not require review by the D.A.C. or Planning Commission. Members were provided a map of the area and a summary of comments submitted by City departments.

Staff provided members with a line drawing map of the area surrounding the requested alley abandonment. Mr. Koenig, Public Services Director, advised members that he met with Mr. Ennis to review the alley abandonment and that it was Mr. Ennis' opinion that the alley actually extends approximately 100' east. He indicated that there seems to be a discrepancy in the tax parcel map with the deeds of the properties.

Staff recommended approval of the "paper" alley abandonment, to include the extended alley to the east property lines, should the deeds reflect the paper alley, and with a parcel consolidation plan as a condition of approval. In addition, all of the requested easements (utility and public access) should be granted without compensation if the abandonment is authorized by City Council.

Responding to Mr. Ruane, Mr. Koenig advised members that since all adjacent properties are owned by Ennis Business Associates, LLC., it is not necessary to have a public hearing on the abandonment.

At the request of Mr. McGiffin, Mr. Ennis explained that there are six (6) different parcels owned by Ennis Business Associates, LLC: four (4), 50' lots, and two (2), 3 acre parcels, which are located in the rear.

In reviewing the comments submitted by City staff, Mr. Ennis requested assurance that the entire length and width of the alley is abandoned. With regards to there being a main electrical circuit/feeder running through the alley, although he is not aware of any, he assured members that there would be no issues involved with signing an easement as requested. Mr. Ennis referred to the concern relayed by the Public Services Department for providing the City the opportunity to extend a public access easement service for a service road scenario. He stated that there is extensive depth involved with the property and suggested that any request to provide for a service road should be considered by the City under a site development plan, which should be forthcoming upon sale of the property. It was his opinion that the request to set forth an area 1,000' deep, 400' across for a service road in order to be granted an alley abandonment is not appropriate. He suggested that the word "must" as indicated in the comments provided by the Public Services Department be replaced with the word "should".

Mr. DePrima advised members that he met with the Public Services Director, Mr. Koenig, and that they concur with Mr. Ennis regarding the access easement for a service road. He explained that staff

was not requesting such dedication of land to be considered as a part of the alley abandonment but rather to put the property owner on notice of plans for a future service road. Mr. DePrima stated that the appropriate time for such consideration would be during site plan review and reiterated that the purpose of the language was to put the owner and any future owners on notice.

Mr. Ruane suggested that members temporarily table this matter to allow staff the opportunity to provide a revised recommended motion that would address any concerns and contingencies prior to committee action.

Mr. Koenig provided members with a proposed motion for their consideration of the request for alley abandonment, as follows: Staff recommended favorable consideration of the paper alley abandonment to include the paper alley which runs 215 feet from Forrest Avenue in a southerly direction and 200 feet in an easterly direction to property now or formerly owned by Cardiology Consultants. In addition, staff recommended and is supportive of a future parcel consolidation plan, as well as a site development plan, for the parcels; both final utility easements and a public access easement will be requested by the City of Dover during the site development process.

Mr. Ennis indicated his concurrence with the recommendation provided by staff.

The committee recommended approval of staff's recommendation. *(City Clerk's Note: In accordance with the City's Procedure for Alley Abandonments, a Resolution setting the Public Hearing will be presented to Council for consideration for adoption.)*

Mr. Koenig also requested the continuation of any existing easements on the properties.

Mr. Ennis confirmed his support for the continuation of any existing easements on the properties.

After much discussion, Mr. DePrima assured members that staff can determine if there are any existing easements on the properties and submit a report when this matter is presented to Council. He stated that requests for alley abandonments typically include maintaining any easements.

Responding to Mr. McGiffin, Mr. Lunt indicated that although there may be a utility line within the alley, there is a possibility that there may not be a specific easement for the utility line since it would be located within the alley. Should staff determine that such a utility line exists, he stated that an easement should be granted to the City and considered with the alley abandonment.

By consent agenda, Mrs. Russell moved for approval of the committee's recommendation, seconded by Mrs. Williams and by a unanimous roll call vote, Council adopted Resolution No. 2008-17, as follows:

A RESOLUTION PROPOSING THE VACATING AND ABANDONMENT OF A CERTAIN ALLEY SITUATED IN THE CITY OF DOVER.

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

Section 1. The Council of the City of Dover favors the vacating and abandoning of the following alley:

All that certain piece or parcel of land situated in the City of Dover, Kent County, State of Delaware, a 15 foot wide paper alley running north to south approximately 207.5 feet on the south side of Delaware Route 8 immediately west of Tax Parcel #ED-05-076.11-02-20.01-000, then running in a easterly direction 200 feet along Tax Parcels #ED-05-076.11-02-20.01-000, #ED-05-076.11-02-20.00-000, #ED-05-076.11-02-21.00-000 and #ED-05-076.11-02-22.00-000, comprising 6,112.50 square feet, more or less.

Section 2. The Council of the City of Dover will sit on Monday, September 8, 2008, at 7:30 p.m., in the Council Chambers at City Hall, Dover, Delaware, to hear the objections of such residents of the City or owners of the property affected as shall attend, in accordance with the provisions of Section 27 of the Charter of the City of Dover (Chapter 158, Volume 36, Laws of Delaware).

Section 3. The Clerk of Council is hereby directed to post copies of this Resolution in five or more public places in the City of Dover.

ADOPTED: AUGUST 25, 2008

Update on the Expenditures to Resolve the Brown Water Issue

Mrs. Duca, City Engineer, reviewed a presentation of the Water Quality Expenditure Update. She reminded members that the City began experiencing brown water concerns in December 2002 when the City was mandated to chlorinate the water system. To assist in resolving these concerns, the City has invested in improvements. The 2006 Water Quality Evaluation indicated that there was no single solution to the City's brown water problem. Since 2002, the City has invested in making improvements to the water production, the distribution system, operations, and additional engineering.

Members were also provided details regarding all expenditures relative to water quality. Mrs. Duca assured members that staff will continue to make improvements to the City's aging water system infrastructure and alleviate brown water concerns.

Responding to Mr. Ruane, Mrs. Duca indicated that there have been improvements resulting from the deep well contact chambers. In regards to the flushing, she stated that staff is in the process of determining the actual cost of services for budgeting purposes.

Mr. Ruane relayed his appreciation to Mrs. Duca for the clarity provided in presenting the information to members regarding this important issue.

The committee recommended acceptance of the report presented on the Water Quality Expenditure Update and commended staff for the clarity and information included in the report.

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

PACE/NAES Monthly Report (*June*)

During their meeting of July 28, 2008, members were provided the PACE/NAES Monthly Reports for June 2008. The committee deferred its consideration to allow staff the opportunity to summarize the yearly comparison of the data to present to members.

Mr. DePrima introduced Mr. Francis Hodsoll, Pace Global, who reviewed a presentation of the City of Dover Fiscal Year Energy Cost in Review for 2007-2008.

In regards to the SO2 Market, Mr. Hodsoll explained that the DC Circuit Court determined that EPA should not have written what is known as the Care Rule. As a result, there was a large supply of SO2 allowances in the market place. The market expected that if the Care Rule was in place, inventory of SO2 would dramatically be decreased since the EPA had a 2:1 conversion to be replaced by 2010. When the Care Rule was vacated by the DC Circuit Court, Mr. Hodsoll stated that it was realized that there was a large stockpile of allowances with nothing available for its reduction, which resulted in a decrease in its price.

Due to time constraints, Mr. Ruane requested that members defer discussion regarding the *Dover 2030: Current Status of Proposal Process* and *Enhanced Reporting for FY2008* to the next committee meeting. He also noted that there are items discussed that will require further consideration by members at a future meeting.

The committee recommended acceptance of the PACE/NAES Monthly Report for June.

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

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

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - AUGUST 11, 2008

The Legislative, Finance, and Administration Committee met on August 11, 2008 with Chairman Slavin presiding.

Comprehensive Review of the City's Donation Policy and Contribution Provided by the City to Various Organizations

During their meeting of June 9, 2008, members considered a request for a donation for the Vietnam War Memorial and discussed the City's Donation Policy. It was suggested that upon completion of the budget review, members conduct a comprehensive review of the City's Donation Policy, as well as the contributions that are provided by the City to various organizations. Mr. Slavin also advised members that during the Budget Review process, members of Council had requested a comprehensive review to allow for clarification.

Mrs. Mitchell, Controller/Treasurer, provided members with the City's Community Leader and Organization Recognition Policy, which was originally established in 2004, as well as a list of contributions made by the City to nonprofit organizations as approved in the annual budget and included in the monthly budget reports when the contributions are made. She advised members that

the City Manager, from time to time, authorizes in-kind services, such as building maintenance for DDDC, brick laying for the Greater Dover Committee, and other work performed by City crews. She stated that these services are neither tracked nor quantified. In addition, Mrs. Mitchell stated that in the past, the City has accepted tickets from the Schwartz Center in exchange for assistance with their electric account.

It was noted that although the Robbins Hose Company had been included on the list of contributions made by the City, in accordance with the Dover Code, they serve as the City's fire department.

Mr. Slavin also noted the receipt of comments submitted by Mr. Ruane, which were provided to members.

Mr. Ruane felt that the policy should be amended to provide for a clear distinction between a contractual arrangement with organizations and those that are a donation or contribution to an organization. Referring to the list of contributions made by the City, he explained that there are organizations that can assist the City in achieving a goal that the City could not meet on its own. However, if there are multiple agencies that could provide the same objective/goal, he felt that there should be a system in place to assist in evaluating and determining the amount of funds to be distributed to an organization to help the City meet such goals and objectives. Other than this type of amendment, Mr. Ruane felt that the current policy has been effective for the City, as well as its citizens.

Concurring, Mr. Slavin suggested that the budget team develop a new category to be included in the policy to address the "grant-in-aid" contributions referred to by Mr. Ruane.

Mr. DePrima reminded members that the policy was established to develop a means of providing recognition to individuals and organizations and a monetary limit of the gift. It was his feeling that, based on the discussion of members, a separate policy should be developed since the one provided is specific to providing recognition.

Mr. Shevock stated that the reference made to the contributions provided to the various organizations serves more as a financial aid from the City rather than a contribution. He suggested the possibility of amending the terminology within the policy to allow for the City to extend financial aid to an organization for the betterment of the City.

The committee recommended that the budget team develop a new category, such as grant-in-aid, in addition to maintaining the current policy.

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

Request for Proposals - Banking Services Agreement

Members were advised that the City solicited proposals for banking services and that four (4) banks submitted proposals. Mrs. Mitchell, Controller/Treasurer, indicated that the proposals were evaluated by a team selected from the Finance and Administrative Services Departments. A considerable amount of information was requested in the RFP and additional information was submitted to the City in response to four (4) addendums. The RFP required each bank to submit

their current audited financial statement including footnotes and the auditor's opinion. It also required each bank to submit their current Securities and Exchange Commission Form 10K or Form 10Q. Mrs. Mitchell explained that the submission and review of these statements are imperative to the City's due diligence to ensure the security of the City's assets. The RFP requested a copy of each bank's 'SAS' 70. This statement is prepared by independent auditors and attests to the banks internal controls in regards to their on line banking tools which will be utilized by the City of Dover. This last piece of due diligence ensures the City's funds are safe guarded while being transferred using the banks on line software.

Mrs. Mitchell stated that a mix of responses was received in regards to the City's requirement for submission of the various reports, which is reflected in the Summary Scoring Sheet provided to members. In today's economy, especially with all of the changes occurring in the banking industry, she explained that it is critical for the City to perform as much due diligence as possible before selecting a bank. Staff also gave each bank the opportunity to meet with our banking RFP selection team to present their proposal. This provided each potential bank the opportunity to share additional information that could be helpful to the analysis process and gave the team an opportunity to finalize any outstanding questions.

Mrs. Mitchell advised members that all proposals were scored on several factors that included content, service, technology, future enhancements, government banking experience and the qualifications of the team assigned to the City of Dover. The pricing score is based on a calculation that includes the proposed net earnings using each banks net service fees and interest rates applied to 2008's average balance and transaction activity. All four (4) banks provided interest bearing accounts. Two (2) of the banks submitted no fee proposals by reducing the interest by specified basis points. Mrs. Mitchell assured members that the references were checked on the two (2) highest scoring banks with good results.

Staff recommended awarding the City's banking services to Citizens Bank.

The committee recommended approval of staff's recommendation. Mr. Slavin disclosed his personal affiliation with Citizens Bank as a checking account holder.

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

Proposed Ordinance Authorizing Staff to Permit Relocation of Non-Conforming Signs (South Governors Avenue)

Members were provided a proposed ordinance (#2008-37) that would allow the City Planner to administratively approve relocation of legal non-conforming signs that must be relocated due to the South Governors Avenue improvements, so long as the degree of non-conformity not be increased.

Mrs. Townshend, Director of Planning and Inspections, explained that the Delaware Department of Transportation (DelDOT) is making significant changes to Governors Avenue, which includes acquisition of additional right-of-way from property owners as well as the widening of the roadway, which will require many signs to be moved. She advised members that several of these signs are already legal non-conforming signs. The necessity for relocation of the signs is not being caused by the property owners but by the widening of the roadway over which the property owners have no

control. Mrs. Towhshend reminded members that Council has determined that the sign relocation for each individual property owner should be controlled by the City Planner and her staff working with each individual property owner for relocation of the signs upon the condition that there cannot be any increase in the non-conformity of each sign.

Staff recommended adoption of the proposed ordinance (#2008-37). Mrs. Townshend advised members that the City Clerk consulted with the City Solicitor and that the proposed ordinance should be revised as a resolution; however, a public hearing would still be required.

Responding to Mr. McGlumphy, Mrs. Townshend stated that the legal non-conforming signs are the result of pre-existing signs, which predates that current zoning requirements. She explained that these signs are considered legal since they were not erected illegally; however, they are considered non-conforming since they do not comply with the current zoning requirements.

The committee recommended adoption of the proposed Resolution *(previously proposed ordinance #2008-37)* that would allow the City Planner to administratively approve relocation of legal non-conforming signs that must be relocated due to the South Governors Avenue improvements, so long as the degree of non-conformity not be increased and that a public hearing be set by Council prior to its adoption. *City Clerk's Office Note: Staff recommended that a public hearing be set for September 22, 2008 at 7:30 p.m.*

By consent agenda, Mrs. Russell moved for approval of the committee's recommendation for adoption of the proposed Resolution and set a public hearing for September 22, 2008 at 7:30 p.m.. The motion was seconded by Mrs. Williams and by a unanimous roll call vote, Council adopted Council Resolution No. 2008-16, as follows:

WHEREAS, the Delaware Department of Transportation is making significant changes to Governors Avenue which includes acquisition of additional right-of-way from property owners and widening of the roadway which will require many signs to be moved, many of these signs already being legal non-conforming signs; and

WHEREAS, the necessity for relocation of the signs is not being caused by the property owners but by the widening of the roadway over which the property owners have no control; and

WHEREAS, Council has determined that the sign relocation for each individual property owner should be controlled by the City Planner and her staff working with each individual property owner for relocation of the signs upon the condition that there cannot be any increase in the non-conformity of each sign; and

WHEREAS, the final approval by the City Planner and her staff for each individual sign shall be conclusive for the property owner to maintain the sign at its approved location and condition.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER:

1. The City Planner and her staff shall oversee the relocation of non-conforming signs required to be relocated due to the widening of South Governors Avenue and in accordance with the terms of this Ordinance, she and her staff shall issue final approval for the relocation of each sign upon the condition that the signs shall remain legal non-conforming, as the case may be, and there is no increase in their non-conformity.

ADOPTED: AUGUST 25, 2008

Review of Job Description - City Assessor and Assistant City Assessor

Members were provided revised job descriptions for the City Assessor and Assistant City Assessor for their review and consideration. Mrs. Hawkins, Human Resources Director, reminded members that the International Association of Assessing Officers (IAAO) was hired to perform a management audit of the City's Assessor's Office. In the final report that was presented to Council, the IAAO made several suggestions for changes to the Assessor and Assistant City Assessor's job description. She advised members that the recommendations have been incorporated into the current job descriptions.

Staff recommended approval of the revised job descriptions for the City Assessor and Assistant City Assessor.

Responding to Mr. Ruane, Mrs. Hawkins indicated that to her knowledge, the revisions to the recent employment ad for the City Assessor were not included in the job description.

Mr. Ruane requested that the responsibilities for the policies and procedures for tax appeals and updating the members be included in the job description. It was his opinion that certain areas of the job description could be amended to indicate tax appeals is an area in need of critical attention.

Dr. Jones questioned what recruitment steps are taken to ensure an ethnically diverse applicant pool. Responding, Mrs. Hawkins stated that the City posts all opened positions on the City's Website, which provides for a good influx of individuals. On occasions, positions have been posted on the Monster Website. She indicated that there is a mailing distributed to minority groups, which consists of approximately 20 organizations. Mrs. Hawkins stated that staff attends the Job Fair at the Delaware State University each year, as well as the African American Festival.

Responding to Mr. McGlumphy, Mr. DePrima explained that the IAAO indicated that including a college degree requirement would restrict the City from obtaining qualified candidates since many City Assessors have several years of experience and work their way up in the field.

Mr. Ruane reiterated the importance for the Human Resources Department to review the employment ad of the City Assessor to determine what variables should be transferred from the ad to the job description. As an example, he stated that there is a reference regarding transfer tax in the employment ad which he felt should be included in the job description.

Mr. DePrima suggested that the matter be tabled to allow staff the opportunity to amend the job description further upon review of the employment ad for the City Assessor.

The committee recommended approval of the Job Descriptions for the City Assessor and Assistant City Assessor with the understanding that staff amend the job descriptions further upon review of the employment ad for the City Assessor to address the concerns mentioned by Mr. Ruane.

By consent agenda, Mrs. Russell moved for approval of the committee's recommendation (*Exhibits #2 and #3*), seconded by Mrs. Williams and carried by a unanimous roll call vote.

Space Plan Update

Mr. DePrima, City Manager, reviewed a presentation of the City of Dover's Facility Space Plan 2006-2016 - Revised/Updated July 2008.

The committee recommended acceptance of the Space Plan Update as presented.

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

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

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE REPORT - AUGUST 12, 2008

The Parks, Recreation, and Community Enhancement Committee met on August 12, 2008 with Chairwoman Russell presiding.

Proposed Zoning Text Amendment: Ordinance #2008-38 - Appendix B - Zoning, Article 3 - District Regulations, Section 1 - One Family Residence Zone

Mrs. Townshend, Director of Planning and Inspections, advised members that a petition was received from Scott and Rebecca Kidner to consider amending Article 3 - District Regulations, Section 1 - One Family Residence Zone, of the Zoning Code, that would create a conditional use within one-family residence zones that would allow for professional offices to be permitted as a conditional use if certain criteria are met. During their Regular Meeting of July 28, 2008, City Council accomplished the First Reading of the proposed zoning text amendment and referred it to the Parks, Recreation, and Community Enhancement Committee on August 12, 2008; the Planning Commission on September 15, 2008; and set a public hearing to take place during the Regular Council Meeting of September 22, 2008, at 7:30 p.m., at which time, final action by Council will take place.

Mrs. Townshend stated that the proposed ordinance was submitted subsequent to the withdrawal of a petition to amend the Comprehensive Plan and zoning map as they relate to property located at 412 E. Loockerman Street. Staff recommended against the rezoning application as it represented encroachment of office zoning into a residential neighborhood. With a change of zoning, there is no way to ensure that the residential character of the property be maintained or that the use be compatible with the surrounding neighborhood. In response to this concern, the applicants proposed a text amendment that would permit limited professional office uses as a conditional use and apply standards to protect the residential character of the neighborhood.

Mrs. Townshend explained that the proposed ordinance would amend the text of the Zoning Ordinance relating to the One Family Residence Zones (R-7, R-8, R-10, R-15, R-20) by allowing professional offices as conditional uses within these zones, subject to specific parameters. She provided a map depicting those properties that would be affected by the proposed zoning ordinance. She advised members that as a conditional use, the establishment of a professional office in the One Family Residence Zones would be subject to a public hearing before the Planning Commission. In considering a conditional use application, the Planning Commission has the ability to approve, deny, or approve with conditions, the requested use. Prior to review by the Planning Commission, Mrs. Townshend indicated that an applicant requesting conditional use approval must complete public notice, including a newspaper advertisement and certified-mailed notices to property owners within 200 feet of the subject site. This provides the public opportunities to express concerns that would be relevant to the application. She noted that conditional use applications do not receive review by City Council.

Mrs. Townshend advised members that the ordinance, as drafted, would require that the residential façade and character of the lot and structure be maintained, that adequate off-street parking be provided for all employees, and that the use not generate excessive traffic, noise, etc. Staff has reviewed the draft ordinance and believes that limited professional office uses can be compatible within residential neighborhoods with very clear and tight conditions. The Zoning Ordinance, as it currently stands, allows for "customary home-based occupations" and some limited professional offices and studios as accessory uses within the residential zones. As an accessory use, it must be accessory to the residential use. In addition, there are narrow parameters within which these uses may exist. Mrs. Townshend noted that the two (2) primary differences between the current provisions and the proposed ordinance are:

1. The accessory uses permitted do not require review by the Planning Commission; and
2. The accessory uses require that the proprietor live on the premises, devote no more than 30% of the first floor of the residence, and employ no outside employees.

Mrs. Townshend indicated that after hearing some of the concerns expressed regarding the proposed ordinance, staff recommended that additional safeguards be added to the ordinance to ensure that professional office uses do not adversely impact the surrounding neighborhood. Staff has identified issues and recommended that language be added to address the following issues:

1. Definitions or standards for "excessive traffic" should be developed to differentiate between "customary traffic" and "excessive traffic".
2. "Professional Office" should be clearly defined, inclusive of the parameters as they relate to Conditional Uses.
3. Requirements for signage should be included in the ordinance.
4. The ordinance should clearly state that the residential bulk standards (including lot coverage and setbacks) must be met and that no legal non-conformities may be expanded. It is important that this be clarified to ensure that an office use would not be used as a justification to exceed lot coverage or other bulk standards.

Mrs. Russell questioned why Mrs. Townshend did not include the recommended language if she was not satisfied with the proposed ordinance amendment. Responding, Mrs. Townshend noted that since the Planning Commission would not consider the proposed amendment until their meeting of

September 15th, if it is the committee's desire, staff could draft an amendment for consideration prior to its review by the Planning Commission.

Mrs. Russell relayed concern regarding the effect the proposed amendment would have on neighborhoods and her desire to hear from the residents regarding this issue.

Mrs. Russell suggested that as the City Planner, Mrs. Townshend would not have to justify denying a request and questioned why the amendment was forwarded for consideration since staff had reservations. Mrs. Townshend clarified that although she concurs with the concept for the proposed amendment, it was her professional opinion that there is a need to strengthen the conditions as proposed in the ordinance. However, she stated that it is the committee's decision as to whether they agree (and have the proposed ordinance revised and brought back for consideration) or wish to recommend opposing the proposed amendment to City Council.

Mr. Lewis felt that the purpose of a residential neighborhood is to allow for individuals to leave a work environment for peace and quiet and that approval of the proposed amendment would be contradictory; therefore, he expressed his opposition to the proposed amendment.

Mr. McGlumphy relayed his concern with any individual having the ability to submit a request for consideration of a zoning text amendment. He also relayed concern that although the applicant is only interested in a particular area of the City, the proposed amendment affects the entire City. Responding, Mrs. Townshend explained that since Article 10, Section 5 of the Zoning Ordinance clearly allows for consideration of amendments by petition and includes a fee, her concern is a due process issue. She advised members that she has requested the City Solicitor to provide a legal opinion regarding this issue. *City Clerk's Office Note: Subsequent to this meeting, staff provided a copy of the request for the legal opinion, as well as the response received from the City Solicitor regarding this issue.*

Mr. Ruane concurred with Mr. McGlumphy, that this section of the Zoning Code should be examined; however, he suggested that it be further considered by members as an agenda item in the near future. It was his feeling that the discussion should remain with the current issue before members for their consideration.

Mrs. Horsey expressed her concern with special interest groups submitting requests to the City, which takes an inordinate amount of time for their review and consideration. Should this particular request require the review of the Planning Commission, she felt that it is reflective of even more gross misuse of time. Questioning what the applicants' interest is with the property, Mrs. Horsey indicated that to her knowledge, Mr. Kidner is a lobbyist and wishes to use the property for his business due to its close proximity to Legislative Hall. Should this be the case, she felt that such use would be a totally misappropriate use of the neighborhood. She questioned why the City would even be considering such a proposal.

Mr. Ruane suggested that there is an appropriate response for an applicant requesting such an amendment that would have prevented any further consideration by members. He provided members with a copy of Subsection 5.11 of Article 10, Section 5 of the Zoning Code and advised members that paragraphs "a-d" describe the criteria that should be used when a proposed amendment is submitted. He noted that paragraph "a" states: *"Whether such change is consistent with the aims*

and principles embodied in the ordinance as to the particular zones concerned;". It was his feeling that since the requested amendment is inconsistent with the aims and principles of the residential zoning classifications and is a protected zone, the proposed amendment should be denied.

Mr. Ruane referred to the map provided to members which indicates the areas that would be affected by the proposed ordinance and noted that the proposed amendment would have massive implications (city-wide). Paragraph "b" of Subsection 5.11 of Article 10, Section 5 of the Zoning Code, states: *"Which areas and establishments will be directly affected by such change and in what way they will be affected;"*.

Referring to paragraph "c" of Subsection 5.11 of Article 10, Section 5 of the Zoning Code, which reads: *"The indirect implications of such change in its effect on other regulations; and"*, Mr. Ruane stated that if the proposed amendment were to be approved, there would be no need for some of the other zoning classifications that were established specifically to allow for office space. He referred to Subsection 26.1 of Article 3 - District Regulations, Section 26 - Commercial/Professional Office Development District (C-PO) of the Zoning Code and explained that the purpose of the C-PO zoning classification was to prevent encroachment onto residential areas. If the proposed amendment is approved, Mr. Ruane stated that there would be no need for the C-PO zoning classification. He advised members that there are 32 zoning classifications and that there are only two (2) zoning classifications (Manufacturing and Mobile Home Parks) that do not allow a professional office building.

Lastly, Mr. Ruane noted that paragraph "d" of Subsection 5.11 of Article 10, Section 5 of the Zoning Code states: *"Whether such proposed amendment is consistent with the aims of the comprehensive plan of the city"* and stated that there are several sections of the existing comprehensive plan, as well as the proposed, indicating that its purpose is to preserve the existing housing stock, increase the livability in neighborhoods, provide decent and safe neighborhoods, etc. Mr. Ruane stated that the proposed amendment is contrary to these goals since it would withdrawal homes from residential use, diminish the availability of homes in the City, and due to increase traffic and introduction of strangers on a daily basis, reduce safety. *City Clerk's Office Note: For reference purposes, Mr. Ruane requested that the goals for housing and residential land uses as depicted in the 2003 Comprehensive Plan (pages 130, 135, and 136) be provided as an attachment.*

Mr. Ruane referred to the Housing Goals Section listed in the Comprehensive Plan and Chapter 11, Land Development Plan - Residential Land Uses, where the goal is to provide proper separation of incompatible land uses through physical distance and buffering (assumptions on page 136). He stated that the policies encourage the separation of residential areas from incompatible uses. It was his opinion that the proposed amendment would eliminate the protection. Mr. Ruane also referred to Article 1, Section 2 - Intent of the Zoning Ordinance which indicates that its purpose is to provide for the most appropriate use of land, to enhance general appearance, provide for privacy of family residences, etc. He noted that the proposed amendment contradicts the intent of the zoning ordinance.

Mr. Ruane advised members that there is an excess of office space available in the City, such as: 14,000 SF - new building on the lake (Zimmerman property - Compass Pointe); 30,000 SF - Zimmerman Property on State Street; 30,000 SF - Ashburn Buildings on College and McKee Roads; and others such as Blue Hen Corporate Center; Enterprise Park, State Farm Building (9,700 SF),

Eden Hill (8,600 SF), and Burns and Ellis (878, 800, and 888, South State Street). He explained that all these properties are available for renting office space and some are within walking distance of the property for which the proposed amendment would address, which proves that the need does not exist.

Responding to the suggestion that Subsection 5.11 of Article 10, Section 5 of the Zoning Code provides for an appropriate response for an applicant requesting such an amendment that would have prevented any further consideration by members, Mrs. Townshend clarified that this subsection is relative to Section 5.1 - Report of the Planning Commission. She explained that paragraphs "a-d" refer to the criteria to be used by the Planning Commission in developing a recommendation to City Council. She explained that it is not staff's role to reject an application before it is presented to the Planning Commission, nor does staff have the legal authority not to put a matter forward when the Code provides for a process.

Mr. Ruane explained his feeling that there is criteria provided that he felt the City's Planning Office should use since it is the very criteria that the Planning Commission and City Council must use to accept or reject an amendment.

Mr. Guy Veach, 30 Bayard Avenue, stated that he has lived in the Dover area since 1972. He relayed his concurrence with the statements made by Mrs. Horsey and felt that residents need a place to retire in the evening without the presence of a business and all its associations. He urged the committee to reject the proposed amendment.

Mr. Frank Tenusak, 880 Schoolhouse Lane, concurred with Mr. McGlumphy regarding the ability of an individual to petition, who has the opportunity to request a variance for one individual, needs clarification. He suggested the review of the Delaware Code and/or other legal documents that define petition, for the purpose such as zoning, where there is a clear distinction between a variance for one individual and a petition to change the ordinance. He felt that the definition of petition should be clarified, noting that it currently is vague since it does not indicate "by whom", "to whom", "when", "how", or the number of signatures required to submit the petition. Mr. Tenusak suggested that the law, as it exists, would provide a basis for clarifying that the people do have a right to petition in accordance with procedures. He suggested that members determine the legal definition of "petition" and how that may be amended for clarification.

Mr. (and Mrs.) William Witham stated that they reside in the neighborhood in which the applicant is requesting an amendment. Having concerns regarding the impact the proposed amendment would have on the neighborhood, they relayed their opposition.

Mrs. Rexene Ornauer, 17 Mifflin Road, stated that the proposed amendment would affect every residential street in the City of Dover, which makes this a monstrous change and should not be permitted.

Mr. Richard Ornauer, 17 Mifflin Road, stated his concurrence with all opposing statements made to date, explaining his desire to avoid being repetitious, and that he is bitterly opposed to the proposal.

The committee recommended that City Council and the Planning Commission deny and reject the petition to amend Subsection 1.14(d) of Appendix B - Zoning Ordinance, Article 3 - District Regulations, Section 1 - One Family Residence Zone, of the Dover Code, for the reasons as stated and made a part of the record.

City Clerk's Office Note: As a result of the legal opinion received regarding this matter, no further action was taken by City Council at this time. Consideration of withdrawing the proposed amendment and cancellation of the public hearing will be considered during the latter part of the meeting.

Proposed Zoning Text Amendment: Ordinance #2008-39 - Appendix B - Zoning, Article 5 - Supplementary Regulations, Section 10 - Open Space, Recreation and Other Public Facilities

During the committee meeting of July 15, 2008, members recommended City Council adopt the proposed zoning text amendments to Article 3 - District Regulations, Section 14 - Limited Central Commercial Zone (C-2A); Article 4 - Zoning Bulk and Parking Regulations, Section 4.14 - [C-1, C-1A, C-2, C-2A Zones]; and Article 5 - Supplementary Regulations, Section 10 - Open Space, Recreation, and Other Public Facilities and directed that staff develop an ordinance that would allow contributions from residential properties in the downtown redevelopment area for improvements to downtown development.

As directed, staff developed an amendment to Appendix B - Zoning Ordinance, Article 5 - Supplementary Regulations, Section 10 - Open Space, Recreation and Other Public Facilities, Subsection 10.5 - Exemption. Mrs. Townshend, Director of Planning and Inspections, reminded members that the 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. She also reminded members that the proposed ordinance amendments are intended to promote redevelopment of the downtown area.

As an alternative to requiring aesthetic improvements, Mrs. Townshend suggested the possibility of requiring a per unit cost. Should members prefer the concept of requiring a flat rate, she stated that the ordinance could be amended accordingly.

Mr. Ruane suggested the need for a correlation between the expectations of downtown property owners to those in other areas of the City, explaining his concern that the City could be challenged for treating property owners differently. He noted that other subsections of Section 10, where open space is required, the amount of open space required is based upon the number of units being built and that if there is a donation in-lieu-of, it also is based on the number of units being built; therefore, he felt that there is a need to maintain this principle. Mr. Ruane suggested that this matter be tabled to allow for staff the opportunity to address the variables of determining what level of streetscape improvements would be required, what degree of art, in terms of value, would be put in place, etc.

Although she concurred with the proposed amendment, Mrs. Horsey felt that the City should be prepared to have resources available to provide examples from other main street programs or cities similar to Dover. She explained that the proposed amendment does not include specifics, as alluded to by Mr. Ruane.

Mr. DePrima indicated his opinion that there would be no issue to have a different standard for the downtown area, reminding members that there are already differences provided for the downtown area such as incentives. He also felt that it is necessary to create the exemption part of the ordinance if there is a desire to create this incentive for the downtown area. He suggested that, at this time, members could recommend the adoption of the proposed ordinance with the deletion of *"but shall be required to include public art, streetscape improvements, or other measures to improve the downtown area as a part of the development plan"* as stated in lines 17-19. This would allow for exempting the downtown projects from the "suburban" standard. Mr. DePrima concurred that the additional requirements as stated in lines 17-19 should be further reviewed to provide specificity. It was his opinion that members have acknowledged that the amount of money required of developers provides a disincentive for downtown redevelopment. He felt that it may take some time to develop specifics for developers and, therefore, urged members to move forward with the proposed ordinance with the amendment suggested.

Mr. DePrima referred to the downtown area of the City of Charlotte, North Carolina, and advised members that the area is filled with public art and first floor plazas. The reason is due to a requirement that a percentage of the gross building value must be developed as a public plaza or art in a public plaza or dedication. He stated that this requirement has proven to provide value and quality to their downtown.

Mr. Ruane relayed his opposition to moving forward with a total exemption. Rather than eliminating the requirements as stated in lines 17-19, he suggested that when the ordinance is presented to Council for adoption, these requirements should remain. He explained that although they may not include specifics, the proposed amendment, as submitted, provides for some type of expectation of a developer to make improvements to the downtown, in addition to their building. He suggested that staff include the requirements of Charlotte within the City's Code.

Concurring with Mr. Ruane, Mr. DePrima felt that staff would need at least 30 days to develop appropriate wording to include in the proposed amendment.

The committee 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.

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

Updates

Members were provided the following updates:

Puncheon Run Watershed Action Team Update

Mr. Koenig, Public Services Director, indicated that additional feedback has been received as a result of informational meetings held with the residents near the Puncheon Run Watershed. He stated that there are questions that need to be corrected in the final report that URS issued. URS has provided a draft proposal to do some of the preliminary work for the letter of map revision (LOMR); however, one of the critical components of completing this document is the as-built condition of the Puncheon

Run bridge which is currently under construction. Mr. Koenig stated that the City will apply to the Clean Water Advisory Council for funding so that it is not an out-of-pocket expense to the City.

Mr. Koenig anticipates another meeting of the Action Team within the next 30-60 days to try to correct information and then determine whether there is funding available for the State to provide the funding for the letter of map amendment (LOMR) for the Puncheon Run.

Responding to Mrs. Russell, Mr. Koenig stated that it is estimated that construction of the bridge will continue for an additional 10 months.

Planning and Funding for New Library

Mr. Carter, Parks and Recreation Director, stated that staff continues to work on the new contract with the architect selected for the New Library and that it is anticipated that it should be finalized and signed and a first meeting held within the next 10 days.

Mr. Tenusak, 880 Schoolhouse Lane, advised members of his involvement with the fund raising efforts for the New Library. He stated that planning for the fund raising efforts has been delayed until the consultants schedule meetings and the arrival of the new Library Director, which is to occur September 16th. He reminded members of the Open House scheduled for September 17th. Should anyone have knowledge of a large donor that may be interested in supporting the library, he requested that he be contacted by email at Tenusak@opera.com.

Mr. Tenusak stated that Ms. Elliot is reviewing organizations in the Kent County area in an attempt to identify prospects of the New Library. He stated that after meeting with the Kent County Library Advisory Committee, he discovered that there are no plans to seek additional services for the City.

Responding to Mr. McGlumphy, Mr. DePrima stated that the Kent County Levy Court has authorized the County Administrator, Mr. Petit de Mange, to work with him in an effort to determine if they will be participating in the funding and operation of the New Library. Once a determination has been made, he indicated that he, along with Mr. Petit de Mange, would report back to their respective governing bodies.

CDBG Program

Members were provided the status report on the FY 2007 Program Funds Spent for the CDBG Program, as of June 2008.

Mr. Ruane requested that members be provided detailed information regarding the current year's program such as the status of contracts.

2008 Comprehensive Plan Update

Mrs. Townshend, Director of Planning and Inspections, indicated that the draft 2008 Comprehensive Plan has been submitted to the State for Plus Review, which has been scheduled for September 3, 2008 at 9:00 a.m. It is anticipated that the comments from the Plus Review should be received within a month. In the meantime, she stated that staff continues to make improvements to the draft Plan.

Schutte Park Space - Boys and Girls Club/CDSA
There was no updated provided on the Schutte Park Space for the Boys and Girls Club/CDSA.

Skate Park Committee
Members were advised that there is no new information from the Skate Park Committee.

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

MONTHLY REPORTS - JULY 2008
By motion of Mrs. Russell, seconded by Mrs. Williams, the following monthly reports were accepted by consent agenda:

Budget Report
Chief of Police Report
City Manager's Report
Planning and Inspections Report

WITHDRAWAL OF PROPOSED ZONING TEXT AMENDMENT/CANCELLATION OF PUBLIC HEARING
During their Regular Meeting of July 28, 2008, City Council held a First Reading of the ordinance amending Appendix B - Zoning, Article 3 - District Regulations, Section 1 - One Family Residence Zones and referred it to the Planning Commission on September 15, 2008 and set a public hearing for September 22, 2008. The proposed amendment was also referred to and considered by the Parks, Recreation, and Community Enhancement Committee during their meeting of August 12, 2008.

Mrs. Townshend, Director of Planning and Inspections, reminded members of the legal opinion received from the City Solicitor indicating that the Planning Office is not required to bring forth zoning text amendments submitted by the public. She advised members that this opinion is contrary to prior practice as well as the understanding of the Planning Offic,e and affects the proposed text amendment to Appendix B - Zoning, Article 3 - District Regulations, Section 1 - One Family Residence Zones.

As a result of the legal opinion, Mrs. Townshend advised members that the City Solicitor has indicated that the amendment should be withdrawn and the application fee refunded. In accordance with the advice of the City Solicitor, staff recommended that City Council withdraw this amendment and cancel the public hearing scheduled for September 22, 2008. For reference purposes, members were provided the following materials: 1) legal opinion from the City Solicitor; the e-mail exchange between Mrs. Townshend and the City Solicitor regarding how to proceed on the proposed amendment; and a letter sent by Mrs. Townshend to the applicant, who had proposed the amendment in question.

Mr. Ruane moved to withdraw the proposed zoning text amendment from consideration and cancel the public hearing scheduled for September 22, 2008, seconded by Mr. McGlumphy and carried by a unanimous roll call vote.

COUNCIL MEMBERS ANNOUNCEMENTS

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

Mrs. Russell invited everyone to attend the "Back to School Bash" to be held Saturday, August 30th, from 11:00 a.m. to 3:00 p.m. at the corner of Cecil and North New Streets and thanked staff for all the assistance provided.

On behalf of members of City Council, Mr. Ruane congratulated Mr. Salters who was recently awarded the Statewide Trail Blazer Award. He stated that the award was presented in recognition of his community service accomplishments.

Mr. Salters thanked members for the care and concern provided during his recent health issues.

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

Meeting Adjourned at 8:13 P.M.

TRACI A. McDOWELL
CITY CLERK

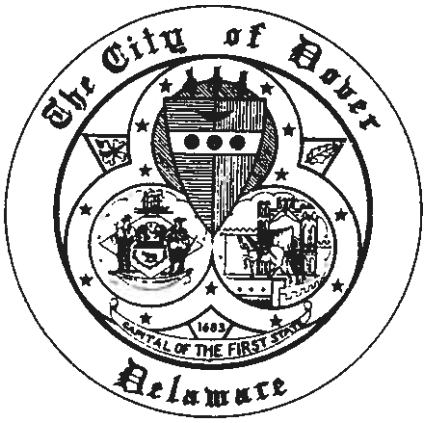
All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of August 25, 2008, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

/TM/jg
S:\ClerksOffice\Agendas&Minutes\Council-Minutes\2008\08-25-2008.wpd

Exhibits Attached to Original Minutes and File Copy

Exhibit #1 - Petition to Amend Zoning Text - Appendix B - Zoning, Article 3 - District Regulations, Section 13 - Central Commercial Zone (C-2) and Section 14 - Limited Central Commercial Zone (C-2A)
Exhibit #2 - Job Description for the City Assessor
Exhibit #3 - Job Description for the Assistant City Assessor



PROCLAMATION

Whereas, September 17th, 2008 marks the two hundred and twenty-first anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

Whereas, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

Whereas, it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion and where Delawareans should recognize the importance particularly since it was first ratified by the State of Delaware; and

Whereas, public law 914 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through the 23rd as Constitution Week;

Now, therefore, I, CARLETON E. CAREY, SR., Mayor of the City of Dover, Delaware do hereby proclaim September 17th through the 23rd, 2008 to be

CONSTITUTION WEEK

In the City of Dover, and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787.

_____

CARLETON E. CAREY, SR.
MAYOR

PROCLAMATION

WHEREAS, at the end of World War II many people wanted to share our country's abundance with European war victims; and Church World Service and CROP's first purpose was to gather wheat and other crops from U.S. farms for shipment to Europe; and

WHEREAS, today, locally-organized, Church World Service-sponsored CROP Hunger Walks are an important part of community life for more than 2,000 towns and cities in the United States, bringing together people of different faiths, diverse cultures, and all age groups; and

WHEREAS, in the last 15 years alone, CROP Hunger Walks have raised over $200 million to bring help and hope to people in need in more than 80 countries, including the U.S.; and

WHEREAS, each year CROP Hunger Walks help more than 3,200 local food pantries, food banks, and meal sites in the U.S. provide food to neighbors in need, including our own Kent Ecumenical Food and Crisis, Calvary Baptist Soup Kitchen, Whatcoat Methodist Soup Kitchen, and Mount Zion AME Church Soup Kitchen; and

WHEREAS, the Annual CROP Hunger Walk will be held on September 28th to help our community become aware of and concerned about hunger and its causes; and

WHEREAS, the CROP Hunger Walk will raise funds to help stop hunger both locally and globally.

NOW, THEREFORE, I, Carleton E. Carey, Sr., Mayor of the City of Dover, Delaware, do hereby proclaim September 28, 2008 as

CROP HUNGER WALK DAY

and urge the citizens of Dover to support this CROP Hunger Walk.

Carleton E. Carey Sr.

Carleton E. Carey, Sr.
Mayor



PROCLAMATION

WHEREAS, *older Americans are significant members of our society, investing their wisdom and experience to help enrich and better the lives of younger generations; and*

WHEREAS, *the Modern Maturity Center has acted as a catalyst for mobilizing the creativity, energy, vitality and commitment of the older residents of Dover, Delaware; and*

WHEREAS, *through the wide array of services, programs and activities, senior centers empower older citizens to contribute to their own health and well-being and the health and well-being of their fellow citizens of all ages; and*

WHEREAS, *senior centers affirm the dignity, self worth and independence of older persons by facilitating their decisions and actions; tapping their experiences, skills and knowledge, and enabling their continued contributions to the community.*

NOW, THEREFORE, I, CARLETON E. CAREY, SR., MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim September 2008

SENIOR CENTER MONTH

and call upon all citizens to recognize the special contributions of the senior center participants, and the special efforts of the staff and volunteers who work every day to enhance the well-being of the older citizens of our community.

Carleton E. Carey, Sr.

CARLETON E. CAREY, SR.
MAYOR

DRAFT PROPOSED COUNCIL RESOLUTION NO. 2008-18

A RESOLUTION VACATING AND ABANDONING A CERTAIN 15-FOOT WIDE UNIMPROVED ALLEY SITUATED IN THE CITY OF DOVER.

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

Section 1. The Council of the City of Dover hereby vacates and abandons the following alley:

> All that certain piece or parcel of land situated in the City of Dover, Kent County, State of Delaware, a 15 foot wide paper alley running north to south approximately 207.5 feet on the south side of Delaware Route 8 immediately west of Tax Parcel #ED-05-076.11-02-20.01-000, then running in a easterly direction 200 feet along Tax Parcels #ED-05-076.11-02-20.01-000, #ED-05-076.11-02-20.00-000, #ED-05-076.11-02-21.00-000 and #ED-05-076.11-02-22.00-000, comprising 6,112.50 square feet, more or less.

Section 2. Since no person has been deprived of property by the vacating and abandoning of the aforesaid alley, no compensation is awarded.

Section 3. All costs of conveyance shall be borne by the property owners.

Section 4. This resolution shall be effective upon the filing of a revised plot plan of the aforesaid alley.

ADOPTED: *

Abandonments
S:\ClerksOffice\PACKETS\2008\Council\09-08-2008\Res No. 2008-18 Alley Abandonment Forrest Ave - Abandonment.wpd

CARLETON E. CAREY, SR.	KENNETH L. HOGAN
MAYOR	COUNCIL PRESIDENT

Actions History: Sept 8, 2008 - Introduced at Council

Draft

City Council

Committee on Tax Appeals

Tuesday August 19, 2008

The Committee on Tax Appeals was brought to order at 10:36 A.M. by Chairman Councilman Ruane. Council members present were: Councilman Ruane, Councilman Salters and Councilwoman Russell. Staff present was Acting City Assessor, Cheryl Russell and Administrative Assistant, Annette Hart.

Agenda Additions/Deletions

Councilman Salters made the motion to accept the Agenda, which was seconded by Councilwoman Russell.

1. Stipulations

A. Cedar Beach Enterprises Inc. Appeal # 2008-012

Location:191 N. DuPont Hwy. ED05-068.18-01-18.00

	Original	Recommended
Land	$332,500	$189,900
Improvements	$529,100	$ 87,100
Value	$861,600	$276,000

Assessor's Comments:

Staff recommended that the stipulated value be approved.

Background and Analysis

Mr. Steiner filed an appeal with the Assessor's Office, because the value for the above property had been valued too high based on previous building permits. Mr. Steiner requested an appeal with the previous Assessor last year afer a change of value was made, but missed the deadline.

Mr. Steiner provided the Assessor's Office with the requested Appraisal Report which was forwarded to Tyler Technologies for review.

After reading the appraisal and looking into the matter, the Assessor's Office realized that the land value was considerably high and did not have the same size adjustment as did other properties of this size in the immediate area. Also, when the building permit information was reviewed, the previous Assessor did not accurately make the necessary increase to the property.

The permit information was reviewed again and utilizing the Appraisal for accurate information, corrections were made to the improvements. After doing so the property value dropped to $276,000 which was accepted by the Appellant.

Councilman Salters asked if there are procedures in place to re-evaluate the property. The Acting Assessor Cheryl Russell ensured him, that the property would be re-evaluated at the next re-valuation. Councilman Ruane wanted to state for the record, that there was an analysis by Eugenia Flynn of Tyler Technologies, which substantiates that the assessment by the Assessor is correct.

Councilman Salters made the motion, that based on the Analysis by Tyler Technologies, City Council approve the recommendation made by the Assessor's Office. The motion was seconded by Councilwoman Russell. Motion carried 3-0.

B. James & Anne McClements Appeal# 2008-006

Location: 508 N. DuPont Hwy. ED05-068.13-01-42.03

	Original	Recommended
Land	$163,500	$109,000
Improvements	$ 79,000	$ 90,000
Value	$242,500	$199,000

Assessor's Comments:

Staff recommended that the stipulated value be approved.

BACKGROUND AND ANALYSIS

Mr. & Mrs. McClements filed an appeal with the Assessor's office, because the value for the above property had been valued to high based on recent sales of related properties.

Mr. McClements did not provide the Assessor's Office with an appraisal report, but since the property is in the same complex as the properties Mr. Ellis appealed, the office used the appraisal report supplied by Mr. Ellis.

After reading the appraisal and looking into the matter, the Assessor's office realized that the Income Approach should have been applied to the property, which was confirmed by Tyler Technologies analysis, after doing so the property value dropped to $199,000 which was accepted by the appellant.

Councilman Ruane wanted to make sure that Tyler Technologies was in support of this appraisal, as Mr. McClements did not supply the Assessor's Office with the appraisal. The Acting Assessor explained to the Committee that the Appraisal supplied by Mr. Ellis was used as these condominiums are within the same building.

Councilman Salters made the motion to accept the stipulated values. The motion was seconded by Councilwoman Russell. Motion carried 3-0.

C 1. Walter J. Ellis Appeal # 2008-003

Location: 504 N. DuPont Hwy. ED05-068.13-01-42.01

	Original	Recommended
Land	$163,500	$109,000
Improvements	$ 78,700	$ 83,000
Value	$242,200	$192,000

Assessor's Comments:

Staff recommended the stipulated value be approved.

BACKGROUND AND ANALYSIS

Mr. Ellis filed an appeal with the Assessor's office, because the value for the above property had been valued too high based on sales of related properties.

Mr. Ellis provided the Assessor's Office with the requested appraisal report which was forwarded to Tyler Technologies.

After reading the appraisal report and looking into the matter the Assessor's office realized that the Income Approach should have been applied to the property, which was confirmed by Tyler Technologies analysis, after doing so the property value dropped to $192,000 which was accepted by the appellant.

Councilman Ruane wanted to state for the record, that there was an analysis by Eugenia Flynn of Tyler Technologies, which substantiates that the assessment by the Assessor is correct.

Councilman Salters made the motion to accept the stipulated value. The motion was seconded by Councilwoman Russell. Motion carried 3-0.

C2. Walter J. Ellis Appeal # 2008-004

Location: 512 N. DuPont Hwy. ED05-068.13-01-42.05

	Original	Recommended
Land	$163,500	$109,000
Improvements	$ 78,100	$ 90,000
Value	$241,600	$199,000

Assessor's Comments:

Staff recommended that stipulated value be approved.

BACKGROUND AND ANALYSIS

Mr. Ellis filed an appeal with the Assessor's office, because the value for the above property had been valued to high based on sales of related properties.

Mr. Ellis provided the Assessor's Office with the requested appraisal report, which was forwarded to Tyler Technologies.

After reading the appraisal and looking into the matter, the Assessor's office realized that the Income Approach should have been applied to the property, which was confirmed by Tyler Technologies analysis, after doing so the property value dropped to $199,000 which was accepted by the appellant.

Councilman Ruane wanted to state for the record, that there was an analysis by Eugenia Flynn of Tyler Technologies, which substantiates that the assessment by the Assessor is correct.

Councilman Salters made the motion to accept the stipulated value. The motion was seconded by Councilwoman Russell. Motion carried 3-0.

C 3. Walter J. Ellis Appeal #2008-005

Location: 514 N. DuPont Hwy. ED 05-068.13-01-42.00

	Original	Recommended
Land	$163,500	$109,000
Improvements	$ 79,600	$ 83,000
Value	$243,100	$192,000

Assessor's Comments:

Staff recommended that the stipulated value be approved.

BACKGROUND AND ANALYSIS

Mr. Ellis filed an appeal with the Assessor's office, because the value for the above property had been valued to high based on sales of related properties.

Mr. Ellis provided the Assessor's Office with the requested Appraisal Report, which was forwarded to Tyler Technologies.

After reading the appraisal and looking into the matter the Assessor's office realized that the Income Approach should have been applied to the property, which was confirmed by Tyler Technologies analysis, after doing so the property value dropped to $192,000 which was accepted by the appellant.

Councilman Ruane wanted to state for the record, that there was an analysis by Eugenia Flynn of Tyler Technologies, which substantiates that the assessment by the Assessor is correct.

Councilman Salters made the motion to accept the stipulated value. Councilwoman Russell seconded the Motion. Motion carried 3-0.

Meeting was adjourned at 10:59 A.M.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held on August 25, 2008 at 6:00 p.m. with Chairman Slavin presiding. Members present were Mr. McGlumphy, Mr. Salters, Dr. Jones, and Mr. Shevock. Other members of Council present were Mrs. Russell, Mr. Leary, Mr. McGiffin, Mrs. Williams, Mr. Ruane, and Council President Hogan.

AGENDA ADDITIONS/DELETIONS

Mr. Slavin requested the deletion of agenda item #1 - Dependent Vision Coverage (to be considered during a future meeting).

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

Independent Accountant Report (Haggerty & Haggerty)

During their meeting of February 25, 2008, members were provided the Independent Accountant's Report on Applying Agreed Upon Procedures pertaining to the Dover Fire Department prepared by Haggerty & Haggerty, Certified Public Accountants and Management Consultants, and accepted the Report, with the understanding that the Fire Chief and Finance Director will report back to the committee within two (2) to four (4) weeks with a set of procedures that will be beneficial to all parties involved.

Mrs. Mitchell, Controller/Treasurer, advised members that several meetings were held and the agreed upon procedures were reviewed and agreed upon with the City Manager. She provided members with several solutions developed by staff members of the Finance Department, Central Services, and the Fire Department. At the request of the Fire Chief, Council President Hogan and Councilman Slavin met with the Fire Chief and the President of Robbins Hose Company to discuss this issue on July 3, 2008.

Staff recommended acceptance of the agreed upon procedures.

As a result of some discrepancies, Council President Hogan advised members that he, along with the City Manager, met with several members of the Fire Department to review the procedures. All participants agreed upon procedures 2, 5, 6, 7, and 8. He stated that there were unresolved issues with 1, 3, and 4 and that the Fire Department submitted alternative recommendations (***Attachment #1***). Council President Hogan noted that item #3 of the Fire Department's Recommendations should not have been listed since it was agreed upon. He also noted that an alternative Action Form, dated August 25, 2008 (***Attachment #2***), has been submitted by the Fire Department.

At the request of Mr. Slavin, Fire Chief Carey clarified that the Fire Department will only agree to Option 1 of the Independent Accountant's Report on Applying Agreed-Upon Procedures by Haggerty & Haggerty.

Mr. McGlumphy recommended approval of staff's recommendation for acceptance of the agreed upon procedures as listed on the Action Form submitted by Mrs. Mitchell, Controller/Treasurer. The motion was seconded by Mr. Salters.

Responding to Mrs. Williams, Fire Chief Carey indicated that if Option 1 of the Independent Accountant's Report is rejected, the membership of the Fire Department has requested to be provided a letter explaining their reasons.

Referring to Option 1, Dr. Jones questioned what the Fire Department views as the City's role in terms of accountability for the funds once they are allocated by the City. Fire Chief Carey declined to respond, explaining that he was directed to bring Option 1 to members and request a response if it were rejected.

Mr. Ruane noted that the Action Form provided by the Controller/Treasurer indicates that staff's recommendation is a result of several meetings with the Fire Chief and consists of agreed upon procedures. Responding, Mr. Slavin explained that when the meetings were held, each representative was attempting to come to an agreement for those they serve. He reminded members that the Fire Chief is elected by the membership of the Fire Department and that this membership does not concur with the agreed upon procedures and requested that the Fire Chief submit an alternative. He explained that the Fire Chief's representation at the meetings was similar to that of Council President Hogan and himself. There was an agreement, in principle, between those that met; however, there was an understanding they would present the agreed upon procedures to those they represent.

The motion to approve staff's recommendation for acceptance of the agreed upon procedures as listed on the Action Form submitted by Mrs. Mitchell, Controller/Treasurer, failed by a roll call vote of three (3) no, one (1) yes (Mr. McGlumphy) and one (1) abstention (Dr. Jones).

Mr. Salters moved to recommend that negotiations continue between the Fire Department, including the Controller/Treasurer and the members of Council who initiated the discussion, and come back at a future meeting of the committee for a final resolution of this matter. The motion was seconded by Mr. Shevock.

Mr. Slavin moved to amend the motion to require that those members of council participating be appointed by Council at their next meeting and be given authority to represent Council, seconded by Mr. Shevock.

Responding to Dr. Jones, Mr. Slavin suggested that the Fire Department would select their representatives to participate in the negotiations. Dr. Jones relayed concern that if a number of representatives of the Fire Department are not participants, the matter will not be resolved.

Chief Carey suggested that Council write a letter to the Fire Department explaining why Option 1 was rejected. Once received, the Fire Department would then make any necessary decisions.

Mrs. Williams questioned why members would reject Option 1 when it is no different than the Federal Government granting money to the City. Although she does not feel that it is the City's responsibility to micro-manage the Fire Department, she felt that it is the City's responsibility to assure that the monies provided to them are spent as dutifully as intended.

The motion to amend the motion by requiring that those members of council participating be appointed by Council at their next meeting and be given authority to represent Council was carried with Mr. McGlumphy voting no.

The motion recommending that negotiations continue between the Fire Department, including the Controller/Treasurer and Council, and that those members of Council participating be appointed by Council at their next meeting and be given authority to represent Council for a report back at a future meeting of the committee for a final resolution of this matter, was carried with Mr. McGlumphy voting no.

Mr. McGlumphy moved to recommend that the negotiating principles are the eight (8) points found on the action form submitted by the Controller/Treasurer, seconded by Dr. Jones and unanimously carried.

Mr. McGlumphy moved to recommend denial of Option #1 of the Independent Accountant's Report, seconded by Dr. Jones and carried with Mr. Shevock voting no.

Scope of Review - Chapter 58, Human Relations, of the Dover Code

At the request of Council President Hogan, members were provided Chapter 58, Human Relations, of the Delaware Code, as well as correspondence dated January 16, 2007 from Council President Williams, correspondence dated February 8, 2007, December 11, 2007, and October 5, 2006 from Mr. Calvin Christopher, Chairman of the State Human Relations Commission (SHRC), and the City of Dover Human Relations Commission (DHRC) By-Laws for their review and recommendation regarding concerns addressed in the correspondence.

Mr. Slavin disclosed a potential conflict of interest, explaining that he may become an instructor at Delaware State University and serve in the department which is managed by Dr. Sam Hoff, who serves as the Chairman of the Dover Human Relations Commission. When this position has been finalized, he assured members that he would recuse himself from any discussion or voting on the matter.

Mr. Slavin suggested that members identify the scope of the committee's review, perhaps to establish ground rules and boundaries and conduct the review. In reviewing the material, he suggested that members identify questions that should be further explored and provide Council with answers. He explained that members have been requested to review the scope of activities of the DHRC to ensure they are within the charge provided by City Council. He envisioned that the committee would present the questions and answers to City Council and not necessarily suggest any remedial actions, which would be determined by Council.

At the request of Mr. Salters, Mrs. Williams explained that, as Council President, she became concerned when the SHRC submitted complaints and concerns regarding the DHRC. She met with their executive director, members, and chairman. They discussed ideas that the SHRC felt would serve as a precursor to any action. It was felt that the DHRC had gone off mission whey they began reviewing complaints since that is the total purview of the SHRC. As Council President at the time,

Mrs. Williams stated that she decided to delay any further appointments to the membership of the DHRC until the concerns were resolved. She stated that Mr. Christopher met with the DHRC and reported that the meeting was very difficult and felt that it was a disappointing experience; however, he would continue to attempt to provide training in order for the mission of the DHRC to be adhered. to. She explained that it was the opinion of the SHRC that the DHRC should be more positively directed in terms of creating events and activities to bring people together rather than serving as a judicial body that determines who is right and who is wrong.

After becoming Council President, Council President Hogan stated that he was made aware of the concerns and read the material to become familiar with the situation. It was his opinion that there are differences between the mission of the DHRC authorized by City Council and the DHRC Bylaws. He suggested the need for a review of the City Code and Bylaws for possible improvements. This suggestion was relayed to the DHRC and he stated his hope that the members would participate in this endeavor. Council President Hogan expressed his desire to make this a positive force to make this a commission that is viable and a positive source for the City. To do so, he suggested the need to examine several issues and indicated his feeling that the Bylaws of the DHRC seem to contradict the mission granted by City Council. He also advised members that the SHRC has suggested a change to the title of the DHRC, explaining that the State serves as the Human Relations Commission for the State of Delaware. Council President Hogan reiterated his feeling that a complete review is necessary for possible amendments in order for the DHRC to serve as a viable commission for the City of Dover. He noted that he has begun to make appointments to the DHRC.

Mr. Ruane stated that the Annual Reports of the DHRC provided to City Council have indicated positive actions, programs, public forums, etc. It was his opinion that this information provides a positive image of the DHRC and that it is difficult to document the reference to their acting as a judicial body. He felt that there needs to be a clear understanding of what the DHRC has accomplished, and that the scope should provide the DHRC with an opportunity to present, to City Council in a summary form, the steps that have been taken to meet their mandate, and clearly document the number of complaints that have been taken, how they were processed, which were referred to the SHRC in accordance with Section 58 and those that were not, if any. Also, he suggested that the scope should include an examination of what is the best method to make sure there is a variety of member to serve on the DHRC who meet the mandate of Section 58, noting that the method currently used is to interview potential members and submit a recommendation to City Council, which has been used on the basis of its understanding. The question would be to determine what would be the best method to be used to provide volunteers with the opportunity to be interviewed for those positions so that recommendations can be made to the Mayor and President of Council.

Mr. Ruane suggested that the scope would include the following: 1) method of selection of candidates for membership - what has it been and what it should be; and 2) what has the intake process been and what it should be. He felt that it should be a positive presentation and an opportunity to highlight what activities have been engaged in, what successes have been

accomplished, and what some of the frustrations are, noting that some of the problems presented to the DHRC are not finalized.

Mr. Salters felt that the DHRC has served admirably and has acted responsibly. He suggested that any differences, such as the expenditure of funds by the DHRC and the manner in which appointments are made, can be resolved by respectful communications. He also suggested the possibility of an annual workshop between the DHRC and City Council in an effort to strengthen the DHRC.

Referring to the expenditure of funds for advertisements by the DHRC, Mr. DePrima advised members that there are several sources available to the City free of charge that would eliminate an unnecessary expense. It was his intent to write a letter to the Chairman of the DHRC making this suggestion.

Based on the committee's discussion, Mr. Slavin submitted the following questions that require a response:

1) What is the stated mission of the DHRC and is it in alignment with the enabling legislation;
2) What is the history of accomplishments by the DHRC in those areas that are chartered and are there areas of activities that the DHRC participated in that are outside of the initial charter. If so, what are they, and what have their accomplishments been;
3) What is the best method to attract membership and achieve a balanced commission and what have the previous methods been to attract membership;
4) What is the intake process - what has it been, what should it be;
5) Do the bylaws of the DHRC contradict the Dover Code;
6) Does the very title of the DHRC cause confusion among the public with the SHRC;
7) Does the commission have the authority to remove members;
8) Review of the expenditure of funds.

Mrs. Williams suggested an additional question - has the DHRC successfully met its goal.

Dr. Hoff, Chairman of the DHRC, advised members that the DHRC is accountable and responsible to the City Council and that its membership consists of a diverse representation of the citizens of Dover. The DHRC has no concerns regarding the review of their performance; however, he felt it would be unusual, and perhaps inappropriate, for the committee to deal with problems outside of a regular and predictable review of every other appendage, committee, commission, etc. without one (1) of three (3) issues occurring, as follows: 1) Is there an allegation of inconsistent operation, such as the inconsistency between the bylaws and charter; 2) is there criticism of the effectiveness of the DHRC, which has diminished their performance, requiring the need for an inquiry; or 3) has there been a substantial change in the mission of the DHRC. To his knowledge, none of these issues have occurred. Therefore, although the City has the prerogative to conduct a review, Dr. Hoff indicated

that it is extremely unusual and disappointing. He felt it was appalling that the disagreements were publicized, explaining that this did not result in a positive affect on the City.

Although there have been minor disagreements, Dr. Hoff indicated that they have been minor issues such as the reduction of the DHRC's budget, elimination of City staff to serve as a liaison, etc. His main concern has been not having a full contingent of members appointed to the DHRC and any delay is unfortunate. Concurring with Mrs. Williams, Dr. Hoff reminded members that the DHRC was founded during a crisis; however, the DHRC needs to demonstrate its viability in a non-crisis atmosphere. The DHRC is not subordinate to the SHRC, which he felt is an important factor that needs to be expressed. He assured members that it is the desire of the DHRC to work with the committee and City Council to resolve any issues and looks forward to continued cooperation with the City.

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

Meeting Adjourned at 7:12 P.M.

Respectfully submitted,

Timothy A. Slavin
Chairman

TAS/TM/jg
S:\ClerksOffice\Agendas&Minutes\Committee-Minutes\2008\08-25-2008 LF&A.wpd

Attachments
Attachment #1 - Fire Department Recommendation -Agreed Upon Procedures
Attachment #2 - Alternative Action Form, Dated 8/25/2008, Submitted by the Fire Department

FIRE DEPARTMENT RECOMMENDATIONS

1. The City of Dover will give monthly contributions to the fire department for operating cost equal to the budgeted amount as outlined in the City Budget. City utilities and fuel cost will be excluded from the contribution, and will come directly out of the City budget as it presently does.

2. The Fire department will set up separate accounts isolating City funds from fire department funds to establish accountability and eliminate any confusion between the two entities.

3. The Fire Chief or his Designee will adhere to provisions of personnel policies and contracts as applicable to City employees.

4. The administrative assistant assigned to the fire department will monitor and control any expenditures of all city money contributed to the Dover Fire Department from the City of Dover. The Administrative Assistant will be responsible for a monthly detailed report to the status of the bank and loan account balances along with the documentation supporting all deposits withdrawals and payments made to or from such accounts. This report will be submitted to the Finance department and City Council monthly along with the Fire Chiefs report.

ATTACHMENT #2
LF&A Committee Meeting of 08/25/2008

Action Form

RECEIVED
AUG 25 2008
OFFICE OF THE CITY CLERK

Proceeding: Legislative, Finance, & Administration

Department of Origin: Fire Department **Date Submitted:** 8/25/08

Prepared By: Dover Fire Department

Subject: Independent Accountant Report – Haggerty & Haggerty

Exhibits: Haggerty & Haggerty Report

Expenditure Required: N/A **Amount Budgeted:** N/A
Funding Source (Dept./Page in CIP & Budget): N/A

Recommended Action: Acceptance of Option 1

Background
In 2007, the Fire Department agreed to have a review done in reference to City contributions made to the Fire Department.

This review was to be paid for by the City, not the Fire Department.

This review cost the citizens of Dover approximately $15,000.

A review was conducted of the financial procedures being followed by the Fire Department when expending funds provided by the City of Dover.

Several meetings have been held in reference to this.

Agreed Upon Procedures
Option 1 of the Independent Accountant's Report on Applying Agreed-Upon Procedures by Haggerty & Haggerty.
The City makes an annual operating and capital allocation payable in equal monthly installments to the DFD. Once the funds are allocated, as authorized by the City annual budget, it becomes the DFD's responsibility to administer these funds as it sees fit to carry on its duties to the City's citizens. This practice is a common practice among other governments within Delaware and other states.

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

The Safety Advisory and Transportation Committee Meeting was held on August 26, 2008, at 6:00 p.m. with Chairman Leary presiding. Members present were Mrs. Russell, Mr. Slavin, Mr. Link, and Mr. Davis. Councilman Ruane and Mayor Carey were also present.

AGENDA ADDITIONS/DELETIONS

Noting the absence of Ms. Wieczoreck, Executive Director of the MPO, Mr. Link moved to delete item #6, Briefing on MPO Projects, from the agenda. The motion was seconded by Mr. Slavin and unanimously carried.

Due to the unavailability of the City Manager, Mr. DePrima, Mrs. Russell moved to consider item #1, Design of Spruance Road to Provide Speed Reduction, at the end of the agenda. The motion was seconded by Mr. Slavin and unanimously carried.

Mr. Link moved for approval of the agenda, as amended, seconded by Mrs. Russell and unanimously carried.

Central Middle School Traffic Flow

When the Capital School District applied to the City for reconstruction of the gymnasium and renovation to the auditorium at Central Middle School, the initial site plan submitted showed all ingress and egress to the site of off Smith Street, north of the gymnasium building. At a public hearing before the Planning Commission on December 17, 2007, neighbors of the school expressed concerns about the proposed site plan, particularly as it related to providing accessible off-street parking and the proposed traffic flow showing all access to the new parking from Smith Street.

The Planning Commission tabled the application and the School District held meetings with residential neighbors of the school property to discuss options for parking layout and access. The School District proposed options for building/parking layout and site access to the Planning Staff and Public Services Manager. The option preferred by staff was rejected by the neighbors, and the School District brought to the Planning Commission in January the option that was ultimately approved and is being constructed. Representatives of the Murphy School expressed concern about the location of egress adjacent to their property.

The circulation pattern that was approved is represented in the site plan sheets ***(Attachment #1)***. The plan allows for one-way ingress off of Smith Street with a drive way continuing east behind the school building, then turning south to allow for right turns onto Delaware Avenue. As approved, the entrance off of Smith Street includes a 24-foot wide drive aisle (which doubles as a fire lane), which narrows to 18 feet after it turns south behind the school building.

Mr. Slavin expressed concern that the proposed radius could not accommodate turning buses. Responding, Mr. Scott Koenig, Public Services Director, advised members that the design now has a long right-handed radius which has been tested in the turning templates. He also noted that there is a double stop: one as the bus leaves the school property and one at the end of the alley exiting onto Delaware or Kent Avenues to facilitate safe travel.

Mrs. Ann Marie Townshend noted that, although the Murphy School believed that they owned the property, the City's property records indicate that the right-of-way belongs to the City.

Mr. Slavin thanked Dr. Michael Thomas, Superintendent of the Capital School District, and Mr. Raymond Paylor, Capital School Board Member, for attending the meeting to address any questions or concerns. He noted that the job site has been well maintained and a number of the neighbors are pleased with how the project is being handled.

Dr. Thomas stated that they would continue to be sensitive to the needs of the neighbors during construction.

Presentation by Mayor Carey - Mayor's Meeting with Norfolk Southern Railroad

Mayor Carey advised members that he attended the Dover/Kent Metropolitan Planning Organization (MPO) - Norfolk Southern/Mayors Meeting held on July 15, 2008 at the Dover Police Department - Public Assembly Room.

Mayor Carey reviewed the minutes of the meeting ***(Attachment #2)*** and advised members that the purpose of the meeting was to discuss concerns of the railroad and the potential problems associated with the railroads close proximity to manufacturing facilities, the possibility of a leak, and the action that would be taken in the event of a leak. Mayor Carey stated that Norfolk Southern assured them that they meet all of the standards, they are doing everything that they should be doing, and that they would like to inventory the cars more often to determine which cars are empty and which are full. He stated that he addressed the issue of identification of the contents of the tank cars with a placard, which would provide the capability of immediately identifying the contents of a tank car and whether or not it is empty.

Members were advised that there was discussion of purchasing vacant land north of Dover in a less inhabited area for the storage of the cars in a fenced, secure area; however, the land they were considering is no longer available and they are not currently looking for another vacant storage area. He noted that they are trying to control the number of cars in the area and the length of time they are in the area.

Mayor Carey advised members that if there is a chemical or vapor leak, you can call ChemTrack and provide them with the number on the car and they will advise you of health hazzards and evacuation plans based on the contents of the car.

Responding to Chairman Leary, Mayor Carey stated that it was his understanding that the questions raised during the meeting would be answered and there would be follow-up. He indicated that he has requested the information from both Norfolk Southern and Dover/Kent MPO. Mayor Carey also noted that he would be calling DEMA to obtain the results of their meeting. Mr. Ruane expressed his appreciation to Mayor Carey's for his interest and attempts to follow through. He also noted his disappointment that the July meeting still has not produced the results expected by the attendees. Mr. Ruane suggested that the Safety Advisory and Transportation Committee send a letter to the Dover/Kent MPO joining the Mayor in his request for the answers to the questions posed during the meeting. He also requested information on Norfolk Southern's status of meeting the new Federal regulations obligating all the railroads to begin preparing an assessment of vulnerability and a strategic plan on how they would be working with the local community to address the vulnerability.

It was Mr. Ruane's understanding that the local communities would be given the opportunity to participate in the process.

Mr. Gene Donaldson, Transportation Management Center (TMC) Operations Manager, advised members that they met with the railroad, State Police, Delaware Emergency Management (DEMA), TSA, and a variety of other agencies to ascertain answers to the questions. He noted that they have agreed as a group that TMC will be the lead agency in continuing the meetings and he invited the City of Dover to remain involved.

Update on Sex Offender Unit

Councilman Slavin advised members that, during their Regular Meeting of October 10, 2007, City Council approved the recommendations of the Sex Offender Legislation Review Committee, which was comprised of a group of concerned citizens.

City of Dover Police Chief Jeffrey Horvath provided the following updates:

- State law requires once-yearly checks on registered sex offenders. This was previously done by mailing a form to the registered address and having the offender confirm his address by mailing the form back. Door-to-door checks were implemented and it was discovered that many of the offenders did not live at their registered address.

- Due to the increased workload associated with the door-to-door checks conducted by the Community Policing Unit, the police department was increased by two officers who will be dedicated to a Sex Offender Unit, which will be established on September 7, 2008. The unit will maintain computer records of current sex offenders registered in Dover; respond to sex offender notification letters from the State Bureau of Identification (SBI); verify registered addresses of new sex offenders moving into Dover; complete crime reports on all sex offender notifications; conduct quarterly address verification for all Tier 3 sex offenders, bi-annual verification for all Tier 2 sex offenders, and annual verification for all Tier 1 sex offenders; complete CAD entries for all quarterly, bi-annual, and annual verifications; create sex offender notification posters; notify all Dover daycares and schools for all Tier 2 and Tier 3 sex offenders; keep current and maintain the daycare notice list for the City; make door-to-door notifications for all Tier 3 sex offenders; obtain warrants for non-compliant sex offenders; complete news releases for all wanted sex offenders; locate and arrest wanted and non-compliant sex offenders; conduct a quarterly audit of their files and compare them with the SBI files to ensure that no offenders have been missed; disseminate information on and monitor the use of www.crimeweb.net; educate the public of sex offender registry laws and their terms; conduct felony investigations on sex offenders who fail to respond to the SBI for their appointed verification date; investigate all complaints from the public related to sex offender registry violations; maintain statistics related to sex offenders; and hold neighborhood meetings to address concerns when a Tier 3 sex offender moves in.

- The number of sex offenders in Dover has increased as follows:

March 2007	August 2008
15 Tier 1 sex offenders	25 Tier 1 sex offenders
99 Tier 2 sex offenders	134 Tier 2 sex offenders
18 Tier 3 sex offenders	23 Tier 3 sex offenders
	14 Undetermined

- Have obtained 62 (sixty-two) warrants for sex offenders since January 2006, including failure to register, failure to change address, failure to report, or other crimes. There are currently nine (9) outstanding warrants.

Mr. Slavin noted that a Tier 1 offense could have been something minor that happened many years ago and cautioned that a Tier 2 sex offender could be someone who committed a very serious crime and pled guilty to a reduced Tier 2 charge.

Responding to Mr. Slavin, Chief Horvath stated that the State was considering weekly reporting for homeless sex offenders; however, he did not feel that would necessarily close the homeless loophole. Chief Horvath stated that he would request an update from the State on this issue.

Mr. Slavin requested Chief Horvath to extend the notifications to a natural boundary or to use a common sense distance in order to ensure that someone living just outside of the notification area also receives notice.

Briefing on DelDOT Projects - *Gary Laing*

Mr. Gary Laing, Community Relations Officer for DelDOT and Public Relations Liaison, and Mr. Gene Donaldson, Transportation Management Center Operations Manager, provided briefings on DelDOT Projects, as follows:

Signalization Project

Mr. Donaldson stated that the Transportation Management team meets with Kent County, the City Police, and the Fire Department on a monthly basis. He advised members that the Transportation Management Center operates 24-hours a day, seven days a week and their program includes Intelligent Transportation Systems (ITS). Their goal is to have every State maintained traffic control system under the computerized signal system, which would allow monitoring and timing adjustments on a real-time basis. Mr. Donaldson noted that the system is being designed to be automated in order operate in a traffic response mode rather than a fixed time and day mode. He also noted that the signals used to progress north/south and, based on studies indicating that the majority of traffic flows east/west, the lights were changed accordingly. Mr. Donaldson stated that more than half of the signals are on the computerized system and that they will continue to work on green to green signal coordination.

Mr. Davis, noting a recent lightning strike that knocked the power and traffic signals out for a long period of time, suggested that the traffic signals should be on a power source that has a backup generator.

Responding to Mr. Davis, Mr. Donaldson stated that he recommends putting left-hand turn signals on fixed time until the timing is set appropriately and then switching to actuated mode. He also noted that they have started utilizing fixed-camera or machine vision to detect a vehicle, causing the signal to change.

Mr. Ruane questioned what a person's expectation should be with regard to the length of time they should be waiting at a traffic signal. Mr. Donaldson advised members that they have count data for the signals and a critical movement summation is prepared and the appropriate cycle is determined based on the demand and capacity data. He noted that eventually they would be able to achieve a green/green situation in which you could go from one green light to another green light. Mr. Donaldson emphasized that it is easier to achieve on one-way streets.

Mr. Slavin stated that he has noticed that the project has greatly improved signal visibility and provided safer streets, particularly for pedestrians.

West Dover Connector
Mr. Laing advised members that there has been no change since the last update.

South Governors Avenue Improvements
Mr. Laing reported that progress is being made on the South Governors Avenue Improvements. They are working on improved signage on South Governors Avenue, Webbs Lane, and Wyoming Avenue as a result of the working group.

25 I'm hurt - at 35 I'm dead - Speed Limit 25 mph Campaign
Mr. Laing advised members that they have had a good deal of participation in the campaign and it has raised awareness of the speed limit.

Wyoming Mill Road Project
Mr. Laing indicated that although DelDOT is providing advice and expertise regarding the Wyoming Mill Road Project, it is a City of Dover project; therefore, he deferred this matter to City staff for providing members an update. Mr. DePrima advised members that they had some necessary documents signed and the project is in design.

Water Street Railroad Crossover
Mr. Laing reported that he has spoken with Mr. Ralph Reeb, Director of Planning for DelDOT, and he indicated that if they would like to have a crossing in that location, it would require legislative approval because it is "at grade". Additionally, the railroad would require the closing of at least one other crossing, not necessarily in the City of Dover. Mr. DePrima stated that it was his understanding that Mr. Reeb was currently working on this request. Mr. Ruane advised members that the plan for Eden Hill requires a crossing at this location. Mr. Laing stated the railroad has final authority on the crossings and if they don't want it, it won't happen.

Mr. DePrima advised members that he just learned that Federal Street, in front of the former Kent County Administration building, will be closed for two years due to construction. Since the left turn from Water Street to Federal Street will be closed during this time period, Christ Church has

requested that Water Street be striped for on-street parking. Mr. Laing stated that it was his understanding that the Federal Street closing was only going to be for a short period of time. He indicated that he would find out what the expected closing time is and report back. Mayor Carey reminded Mr. Laing that the Amish Country Bike Tour (1,200-1,500 bikers) was scheduled for the weekend after Labor Day and Federal Street is usually included in their route. He requested that they be notified if any changes are necessary.

Design of Spruance Road to Provide Speed Reduction

Mr. DePrima, City Manager, advised members that he, Chairman Leary, and Councilman Slavin toured Spruance Road at the request of its residents to address speeding issues. He noted that Spruance Road is 38 feet wide with very little on-street parking. Mr. DePrima stated that one idea was to alter the perception of the wide road with striping down the center of the road and boxing out some of the existing on-street parking. He noted that the road is scheduled for repaving in the fall and this would be an ideal time to test the striping theory. Other suggestions were to provide bump-outs where mailboxes exist to create a narrowing of the road and install small traffic circles in the middle of the road. Mr. DePrima advised members that Mr. Koenig, Public Services Director, suggested temporary measures to mimic the improvements to see if they would be effective traffic calming measures.

Chairman Leary suggested notifying the residents prior to moving forward. Mr. Slavin stated that traffic and speeding have been big issues for this area. He concurred with Chairman Leary that residents should be advised in advance and that they should be made aware that they are temporary test measures.

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

Meeting Adjourned at 7:31 P.M.

Respectfully submitted,

Thomas J. Leary
Chairman

TJL/RMR/tam
S:\ClerksOffice\Agendas&Minutes\Committee-Minutes\2008\08-26-2008 SA&T.wpd

Attachments to Original Minutes and File Copy:
Attachment #1 - Site Plan Sheets - Circulation Pattern
Attachment #2 - Minutes of Dover/Kent MPO-Norfolk Southern/Mayors Meeting of 07-15-2008

Monthly Report
June 2008

Office of City Assessor

City of Dover
Assessor's Monthly Report

Fiscal Year 2008

Property Tax Assessments and Collections

Month	Assessed Value Before Exemptions	Senior Exemptions	State Exemptions	Assessment Adjustments	Taxable Value	Taxes Levied	Billing Adjustments	Adjusted Billing	Total Tax Collections	Taxes Outstanding
July	$ 3,263,240,475	$ (17,041,800)	$ (348,051,300)	$ 2,079,900	$ 2,900,227,275	$ 9,479,274	$ (48,106)	$ 9,431,168	$ 7,250,825	$ 2,313,238
August	3,265,320,375	(17,041,800)	(348,051,300)	7,085,300	$ 2,907,312,575	-	35,704	$ 9,466,872	1,508,441	841,701
September	3,272,405,675	(17,091,800)	(348,051,300)	55,826,700	2,963,089,275	-	(1,572)	$ 9,465,300	186,742	653,387
October	3,328,232,375	(17,091,800)	(348,051,300)	18,187,600	2,981,276,875	148,569	(62,484)	$ 9,551,385	184,242	555,230
November	3,346,419,975	(17,091,800)	(348,051,300)	3,911,400	2,985,188,275	-	(286)	$ 9,551,098	140,068	414,875
December	3,350,331,375	(17,091,800)	(348,051,300)	15,850,300	3,001,038,575	35,414	68	$ 9,586,580	49,068	401,290
January	3,366,181,675	(17,141,800)	(348,051,300)	(7,640,100)	2,993,348,475	-	(17,788)	$ 9,568,792	75,588	307,914
February	3,358,541,575	(17,141,800)	(348,051,300)	(17,600)	2,993,330,875	-	1,002	$ 9,569,795	62,315	246,600
March	3,358,523,975	(17,141,800)	(348,051,300)	(12,149,960)	2,981,180,915	4,852	(6,892)	$ 9,567,755	37,628	206,932
April	3,346,374,015	(17,141,800)	(348,051,300)	938,200	2,982,119,115	-	-	$ 9,567,755	29,291	177,641
May	3,347,312,215	(17,141,800)	(348,051,300)	(141,324,200)	2,840,794,915	-	(480,207)	$ 9,087,547	10,027	167,614
June	3,205,988,015	(17,141,800)	(348,051,300)	14,468,700	2,855,263,615		(12,771)	$ 9,074,777	21,430	146,184
Year to Date (excludes BID tax)								**$ 9,074,777**	**$ 9,555,665**	

Other Tax Related Cash Receipts

	Current Month	YTD
Penalties (recorded when received; not billed)	$ 4,218	$ 70,317
Pay In Lieu Of		
State of Delaware	$ -	$ 353,759
St. Andrews	$ -	650
Luther Towers	$ -	14,336
Dover Housing	$ 7,500	18,000
		$ 386,745
Farmland Rollback		
Lafferty Lane	$ -	$ 26,143
Total Property Tax Receipts		**$ 9,557,982**
Transfer Taxes	**$ 190,331**	**$ 3,340,633**

Prepared by: TM Lisiecki
\\Dover_1\taxoffc\Monthly Report Info\Property Tax Report for Cheryl- FY 2008 9/2/2008 9:21 AM

Monthly Report
July 2008

Office of City Assessor

City of Dover
Assessor's Monthly Report

Fiscal Year 2009

Property Tax Assessments and Collections

Month	Assessed Value Before Exemptions	Senior/ Disability Exemptions	State Exemptions	Assessment Adjustments	Taxable Value	Taxes Levied	Billing Adjustments	Adjusted Billing	Total Tax Collections	Taxes Outstanding
July	$ 3,220,456,715	$ (19,400,000)	$ (348,051,300)	$ 9,184,025	$ 2,862,189,440	$ 9,257,882	$ 128,711	$ 9,386,593	$ 7,865,898	1,589,373
August					-					
September					-					
October					-					
November					-					
December					-					
January					-					
February					-					
March					-					
April					-					
May					-					
June										
Year to Date								**$ 9,386,593**	**$ 7,865,898**	

Other Tax Related Cash Receipts

	Current Month	YTD
Penalties (recorded when received; not billed)	$ 3,377	$ 3,377
Pay In Lieu Of		
State of Delaware	$ -	$ -
St. Andrews	$ -	-
Luther Towers	$ 15,024	15,024
Dover Housing	$ -	-
		$ 15,024
Farmland Rollback		
Lafferty Lane	$ -	$ -
Total Property Tax Receipts		**$ 9,404,993**
Transfer Taxes	**$ 101,810**	**$ 101,810**

Prepared by: TM Lisiecki
\\Dover_1\taxoffc\Monthly Report Info\Property Tax Report for Cheryl- FY 2009 (2) 9/2/2008 9:29 AM

City of Dover
General Fund - Major CIP Projects
July 2008

		TOTAL PROJECT - PAST, CURRENT & FUTURE BUDGETS					CURRENT FISCAL YEAR (Including Encumbrances)					
Type	**Description**	**Original Project Budget**	**Revised Project Budget**	**Project To Date Expenses**	**Project Budget Balance**	**% Budget Spent**	**Current Fiscal Yr. Budget**	**Revised Fiscal Yr. Budget**	**Fiscal YTD Expenses**	**% Budget Spent**	**Status**	**Comments**
	FY 2008											
	Red Alert Dispatching System Upgrade	$ 30,000	$ 29,125	$ 12,806	$ 16,320	44.0%	$ -	$ 16,320	$ -	0.0%	Started	Installed but not complete due to contractor dispute.
	JWP Center office equipment & furniture	70,000	70,000	32,796	37,204	46.9%	-	37,204	-	0.0%	Completed	Completed
	Upgrade/replacement of inner city fiber optic loop	122,000	122,000	93,831	28,169	76.9%	-	28,169	-	0.0%	Started	Boring done; material being received.
	Totals	$ 222,000	$ 221,125	$ 139,433	$ 81,692	63.1%	$ -	$ 81,693	$ -	0.0%		
	FY2009											
	New Library Project	$ 1,200,000	$ 1,200,000	$ -	$ 1,200,000	0.0%	$ 1,200,000	$ 1,200,000	$ -	0.0%	Started	Architect started.
	Mirror Lake Dredging	400,000	400,000	-	400,000	0.0%	400,000	400,000	-	0.0%	Delayed	Waiting on State Grant
	Playground Equipment Purchase Program	80,000	80,000	-	80,000	0.0%	80,000	80,000	-	0.0%		
	Skate Park	10,000	10,000	-	10,000	0.0%	10,000	10,000	-	0.0%	Started	Committee working on location\design
	Splash Pad @ Schutte Park	10,000	10,000	-	10,000	0.0%	10,000	10,000	-	0.0%	Not Started	
	FY09 Concrete Program	65,000	65,000	-	65,000	0.0%	65,000	65,000	-	0.0%	Started	Contract signed
	Silver Lake Parking Lot Reconstruction	50,000	50,000	-	50,000	0.0%	50,000	50,000	-	0.0%	Not Started	
	Inner city fiber optic loop Upgrade	86,000	86,000	-	86,000	0.0%	86,000	86,000		0.0%	Started	Material Ordered
	Space Needs - Council Chambers/Parks & Rec	115,000	115,000	-	115,000	0.0%	115,000	115,000	-	0.0%	Not Started	
	Handycapped Access	25,000	25,000	-	25,000	0.0%	25,000	25,000	-	0.0%	Not Started	
	Totals	$ 2,041,000	$ 2,041,000	$ -	$ 2,041,000	0.0%	$ 2,041,000	$ 2,041,000	$ -	0.0%		
	Grand Totals	$ 2,263,000	$ 2,262,125	$ 139,433	$ 2,122,692	6.2%	$ 2,041,000	$ 2,122,693	$ -	0.0%		

City of Dover
Streets Funds - Major CIP Projects
July 2008

		TOTAL PROJECT - PAST, CURRENT & FUTURE BUDGETS					CURRENT FISCAL YEAR (Including Encumbrances)				
Type	**Description**	**Original Project Budget**	**Revised Project Budget**	**Project To Date Expenses**	**Project Budget Balance**	**% Budget Spent**	**Current Fiscal Yr. Budget**	**Fiscal YTD Expenses**	**% Budget Spent**	**Status**	**Comments**
	FY 2002										
	North Street Sidewalk	$ 80,416	$ 80,416	$ -	$ 80,416	0.0%	$ 80,416	$ -	0%	Not started	Work on hold pending Collegiate decision.
	Clara Street turn lane	4,121	4,121	-	4,121	0.0%	4,121	-	0%	Done	(1) See below.
	Totals	$ 84,537	$ 84,537	$ -	$ 84,537	0.0%	$ 84,537	$ -	0%		
	FY 2005										
	Dover Little League Parking Lot Phase II	$ 14,906	$ 14,906	$ -	$ 14,906	0.0%	$ 14,906	$ -	0.0%	Done	Awaiting staff decision on re-appropriation of available funds.
	Totals	$ 14,906	$ 14,906	$ -	$ 14,906	0.0%	$ 14,906	$ -	0.0%	-	
	FY 2006										
M	Lincoln Park Center (317)	$ 400,000	$ 400,000	$ 244,182	$ 155,818	61.0%	$ 155,818	$ -	0.0%	Started	Ongoing
	Totals	$ 400,000	$ 400,000	$ 244,182	$ 155,818	61.0%	$ 155,818	$ -	0.0%	-	-
	FY 2007										
	E. Water Street brick sidewalk	$ 65,000	$ 65,000	$ -	$ 65,000	0.0%	$ 65,000	$ -		Not started	10% received from State not part of street program; separate contract due to nature of work.
	Stoney Drive	90,998	90,998	-	90,998	0.0%	90,998	-	0.0%	Started	Agreement has been amended. Stoney Drive is on FY 09 Program.
	Penn. Avenue/ West Street Alleys	36,900	36,900	11,776	25,124	31.9%	25,124	-	0.0%	Not started	10% received from State; remainder of West St. East Alley is part of the FY 09 Street Program.
		$ 192,898	$ 192,898	$ 11,776	$ 181,122	6.1%	$ 181,122	$ -	0.0%		
	FY 2008										
	Meadows Drive	$ 153,900	$ 153,900	$ -	$ 153,900	0.0%	$ 153,900	$ -	0.0%	Not Started	Scheduled FY 2009
	Persimmon Park Place	20,150	20,150	-	20,150	0.0%	20,150	-	0.0%	Done	Community Transportation Agreement complete.
	Oakridge Alley	35,000	35,000	-	35,000	0.0%	35,000	-	0.0%	Not Started	Scheduled FY 2009
		$ 209,050	$ 209,050	$ -	$ 209,050	0.0%	$ 209,050	$ -	0.0%		
	FY 2009										
R	Budgeted Approp FY09	$ 400,000	$ 554,598	$ -	$ 554,598		$ 554,598	$ -	0.0%	Not Started	Scheduled FY 2009
	Sub Total GF Approp	400,000	554,598	-	554,598	0.0%	554,598	$ -	0.0%		
	Spruance Road - White Oak to Maple Parkway	141,000	141,000	-	141,000	0.0%	141,000	$ -	0.0%	Not Started	Scheduled FY 2009
	Spruance Road - Maple Parkway to East Division	125,400	125,400	-	125,400	0.0%	125,400	-	0.0%	Not Started	Scheduled FY 2009
	Totals	$ 666,400	$ 820,998	$ -	$ 820,998	0.0%	$ 820,998	$ -	0.0%		
	Grand Totals	$ 1,567,791	$ 1,722,389	$ 255,958	$ 1,466,431	14.9%	$ 1,466,431	$ -	0.0%		

Legend
M = Multi-year project - a project with a specific schedule to occur over multiple years.
R = Recurring project - a project that begins and ends each fiscal year and is rebudgeted to start over each fiscal year.
CC = Construction complete.

(1) Administrative Amendment has been done 8/7/08 to revise all streets to actual which leaves $4,121.02.
The City has requested this amount to be transferred to the Dover Little League Parking Lot Monument Sign.

City of Dover
Water/Wastewater Improvement & Extension Fund - Major CIP Projects
July 2008

		TOTAL PROJECT - PAST, CURRENT & FUTURE BUDGETS					CURRENT FISCAL YEAR (Including Encumbrances)					
Type	Description	Original Project Budget	Revised Project Budget	Project To Date Expenses	Project Budget Balance	% Budget Spent	Current Fiscal Yr. Budget	Revised Fiscal Yr. Budget	Fiscal YTD Expenses	% Budget Spent	Status	Comments
	FY 2006											
M	Scarborough Road Interconnection Ph II	$ 120,000	$ 172,946	$ 108,453	$ 64,493	62.7%	$ -	$ 50,446	$ 35,240	69.9%	Started	80% complete
	Totals	$ 120,000	$ 172,946	$ 108,453	$ 64,493	62.7%	$ -	$ 50,446	$ 35,240	69.9%		
	FY 2007											
M	Cheswold Well (#8) Replacement	$ 175,000	$ 225,446	$ 192,822	$ 32,624	85.5%	$ -	$ 64,689	$ 65,411	101.1%	Started	Project completed, but now having installation problems.
	Totals	$ 175,000	$ 225,446	$ 192,822	$ 32,624	85.5%	$ -	$ 64,689	$ 65,411	101.1%		
	FY 2008											
	Wellhead Redevelopment	$ 45,000	$ 68,016	$ 44,484	$ 23,532	65.4%	$ -	$ 23,016	$ 22,500	97.8%	Complete	Complete
	Remote Control & Monitor Wells	139,700	228,265	104,703	123,562	45.9%	-	88,565	53,568	60.5%	Started	Flow meters on-going installation. RTU ordered; Fall installation.
	Wellhead VFD Upgrades	126,000	199,485	44,648	154,837	22.4%	-	73,485	37,133	50.5%	Started	June start, Aug\Sep completion.
	South Gov. Ave Water Main Upgrade	200,000	200,000	-	200,000	0.0%	200,000	200,000	-	0.0%	Started	Construction south of Puncheon Run.
M	1.0 MG Elevated Water Storage Tower	3,340,000	3,340,000	3,745	3,336,255	0.1%	695,000	695,000	-	0.0%	Not Started	
M	Piney Point Well	398,800	398,800	10,845	387,955	2.7%	195,000	195,000	-	0.0%	Not Started	
	South Governors Ave Sewer Main	300,000	300,000	-	300,000	0.0%	300,000	300,000	-	0.0%	Started	Construction south of Puncheon Run.
M	Lafferty Lane Package P/S Replacement	230,000	600,569	128,796	471,773	21.4%	-	370,569	83,835	22.6%	Started	Pump Station ordered - Fall completion.
	White Oak Farms PS VFD's	66,000	66,000	58,904	7,096	89.2%	-	56,037	48,941	87.3%	Started	June construction start; complete in Fall.
	US 13 East Sanitary Sewer Interceptor	85,000	189,375	81,562	107,813	43.1%	3,065,000	3,169,375	-	0.0%	Started	Easements completed; surveys started; permit applications filed.
	Totals	$ 4,930,500	$ 5,590,510	$ 477,688	$ 5,112,822	8.5%	$ 4,455,000	$ 5,171,047	$ 245,977	4.8%		
	FY2009											
	Meter Reading Tech Upgrade	$ 294,500	$ 294,500	$ 29,768	$ 264,732	10.1%	$ 294,500	$ 294,500	$ 29,768	10.1%	Started	On-going installation
	Wellhead VFD Upgrades	124,200	124,200	-	124,200	0.0%	124,200	124,200	-	0.0%	Not Started	
	Wellhead Redevelopment Program	50,000	50,000	-	50,000	0.0%	50,000	50,000	-	0.0%	Not Started	
	Water Quality Impr.	1,487,000	1,596,247	102,220	1,494,027	6.4%	1,487,000	1,487,000	102,220	6.9%	Started	Construction begun
	Water Quality Impr. - Cont. Chambers	100,000	100,000	3,230	96,770	3.2%	100,000	209,247	3,230	1.5%	Started	Well #9 done, #3 is next.
	Misc Distribution Sys Impr.	60,000	60,000	-	60,000	0.0%	60,000	60,000	-	0.0%	Not Started	
	SCADA Equip Technology Upgrade	76,600	76,600	-	76,600	0.0%	76,600	76,600	-	0.0%	Not Started	
	DE State University Pummping Sta repl	50,000	50,000	-	50,000	0.0%	50,000	50,000	-	0.0%	Not Started	Scoping letter to Braun
	Inflow/Infiltration Removal	275,000	499,520	-	499,520	0.0%	275,000	499,520	-	0.0%	Started	RFP being prepared for bid
	Weaver St. Pack Pump Satation Repl	400,900	400,900	-	400,900	0.0%	400,900	400,900	-	0.0%	Started	RFP being prepared
	Fox Hall/Retreat Force Main Rerouting	25,900	25,900	-	25,900	0.0%	25,900	25,900	-	0.0%	Not Started	Scoping letter to Braun
	Misc Sewer System Improvements	31,500	31,500	-	31,500	0.0%	31,500	31,500	-	0.0%	Not Started	
	Acorn Lane Pump Station Repl	50,000	50,000	-	50,000	0.0%	50,000	50,000	-	0.0%	Not Started	Scoping letter to Braun
	Totals	$ 3,025,600	$ 3,359,367	$ 135,218	$ 3,174,149	4.0%	$ 3,025,600	$ 3,359,367	$ 135,218	4.0%		
	Grand Totals	$ 8,251,100	$ 9,348,269	$ 914,180	$ 8,384,089	9.8%	$ 7,480,600	$ 8,645,549	$ 481,846	5.6%		

Legend
M = Multi-year project - a project with a specific schedule to occur over multiple years.
R = Recurring project - a project that begins and ends each fiscal year and is rebudgeted to start over each fiscal year.

City of Dover
Electric Improvement & Extension Fund - Major CIP Projects
July 2008

		TOTAL PROJECT - PAST, CURRENT & FUTURE BUDGETS					CURRENT FISCAL YEAR (Including Encumbrances)					
Type	Description	Original Project Budget	Revised Project Budget	Project To Date Expenses	Project Budget Balance	% Budget Spent	Current Fiscal Yr. Budget	Revised Fiscal Yr. Budget	Fiscal YTD Expenses	% Budget Spent	Status	Comments
	FY 2006											
M	69 KV feeders 3 and 4	$ 11,060,000	$ 18,704,320	$ 6,105,303	$ 12,599,017	32.6%	$ 3,956,820	$ 5,118,295	$ 1,445,515	28.2%	Started	Construction started - Phase I; bidding on Phase 2.
	Governor's Avenue Rebuild	1,268,450	2,068,260	176,663	1,891,597	8.5%	-	1,954,182	62,585	3.2%	Started	Construction Started
	Totals	$ 12,328,450	$ 20,772,580	$ 6,281,966	$ 14,490,614	30.2%	$ 3,956,820	$ 7,072,477	$ 1,508,100	21.3%		
	FY 2007											
M	College Road Substation	$ 2,960,000	$ 2,960,000	$ 2,635,837	$ 324,163	89.0%	$ -	$ 876,287	$ 552,124	$ 1	Started	Construction started. Waiting on control house, Sept delivery.
	Totals	$ 2,960,000	$ 2,960,000	$ 2,635,837	$ 324,163	89.0%	$ -	$ 876,287	$ 552,124	63.0%		
	FY 2008											
	Unit 3 Turb Bearing Fire Protect Deluge	$ 50,000	$ 50,000	$ -	$ 50,000	0.0%	$ -	$ 50,000	$ -	0.0%	Delayed	Reevalatued\Reschedule to June 09
	McKee Run Pollution Remed. SNCR	-	3,000,000	202,509	2,797,491	6.8%	2,600,000	2,800,555	3,064	0.1%	Started	In for Permitting & Design & Bidding
M	Horsepond Transformer	1,020,000	1,715,000	862,276	852,724	50.3%	695,000	429,828	193,104	44.9%	Complete	Construction Started
R	Distribution Capacitors OH/UG	225,000	343,925	338,525	5,400	98.4%	-	71,244	65,844	92.4%	Started	August completion -shipping delays.
M	Transmission Relay Upgrade FY 08	520,000	520,000	647,152	(127,152)	124.5%	-	220,113	-	0.0%	Started	90% done - Oct completion-delayed due to inadequate existing drawings.
M	St Jones Substation Transformer	2,166,039	6,194,161	2,221,252	3,972,909	35.9%	4,028,122	5,401,104	1,413,579	26.2%	Complete	Transformer delivery in Fall, Dec construction.
	SR1/SR9 Pole Relocation	43,000	43,000	52,420			-	52,420			Not Started	Waiting on DelDOT
	Totals	$ 4,024,039	$ 11,866,086	$ 4,324,134	$ 7,551,372	36.4%	$ 7,323,122	$ 9,025,264	$ 1,675,591	18.6%		
	FY2009											
	McKee Run Unit 3 CEMS S/ware&Com	$ 30,000	$ 50,000	$ -	$ 50,000	0.0%	$ 30,000	$ 50,000	$ -	0.0%	Started	Equipment\Installation being ordered
	Van Sant Unit 11 CEMS S/ware&Com	30,000	50,000	-	50,000	0.0%	30,000	50,000	7,924	15.8%	Started	Equipment\Installation being ordered
	Mckee Run Unit 3 COMS replace	30,000	30,000	-	30,000	0.0%	30,000	30,000	-	0.0%	Not Started	
	McKee & VanSant Arc Flash Analysis	-	50,000	-	50,000	0.0%	-	50,000	-	0.0%	Not Started	
	Single & 3 Phase Meters	50,000	50,000	-	50,000	0.0%	50,000	50,000	-	0.0%	Not Started	
	Lighting Project & Rehab	50,000	50,000	7,924	42,076	15.8%	50,000	50,000	-	0.0%	Not Started	
	Danner Farm Transformer	45,000	45,000	-	45,000	0.0%	45,000	45,000	-	0.0%	Not Started	
	Replace Substation Equip	40,000	40,000	-	40,000	0.0%	40,000	40,000	-	0.0%		
	New Developments	815,000	815,000	-	815,000	0.0%	815,000	815,000	39,732	4.9%	Started	On-going
	Distribution Upgrades	500,000	500,000	3,326	496,674	0.7%	500,000	500,000	10,722	2.1%	Started	On-going
	Totals	$ 1,590,000	$ 1,680,000	$ 11,250	$ 1,668,750	0.7%	$ 1,590,000	$ 1,680,000	$ 58,378	3.5%	Started	On-going
	Grand Totals	$ 20,902,489	$ 37,278,666	$ 13,253,186	$ 24,034,900	35.6%	$ 12,869,942	$ 18,654,028	$ 3,794,192	20.3%		

Legend
M = Multi-year project - a project with a specific schedule to occur over multiple years.
R = Recurring project - a project that begins and ends each fiscal year and is rebudgeted to start over each fiscal year.

ACTION FORM

PROCEEDING: City Council
DEPARTMENT OF ORIGIN: City Clerk's Office
PREPARED BY: Traci A. McDowell, City Clerk
DATE SUBMITTED: 08-29-2008

SUBJECT: Revision to Packet Item Submission Deadline and Packet Delivery Schedule
RELATED PROJECT: N/A
APPROVALS: City Council
EXHIBITS: N/A
EXPENDITURE REQUIRED: $ N/A **AMOUNT BUDGETED**: $ N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A
TIMETABLE: Approval 09/08/2007

RECOMMENDED ACTION: Approval of Proposed Revisions to Packet Item Submission Deadline and Packet Delivery Schedule

BACKGROUND AND ANALYSIS

Council and Committee packets contain very detailed information provided by staff for members to review in order to formulate decisions regarding specific issues. To allow Council and Committee members ample time for an in-depth review of all material prior to the meetings, members have suggested changing the Packet delivery day from the Thursday prior to the scheduled Council and Committee meetings to the Tuesday prior to the meetings (two days earlier).

The current deadline for submitting a Committee agenda item is Noon on the Friday before Packet Day and Council agenda items are due by Noon on the Tuesday prior to Packet Day. However, in order to allow sufficient time for packet items to be reviewed, both Council and Committee items must now be submitted to either the City Manager's Office (for Committees) or the City Clerk's Office (for Council) by Noon on the Wednesday prior to Packet Day (Tuesday).

In the past, the City Clerk has been flexible with the deadlines to accommodate packet submissions. Unfortunately, due to the shorter period of time, the deadlines must be adhered to and, with the concurrence of the Council President and appropriate Committee Chairs, the City Clerk will remove any items from the agenda that are not received by the deadline.

The new cut-off deadline will become effective with the September 22, 2008 Packets.