REGULAR COUNCIL MEETING

A G E N D A

April 23, 2007 - 7:30 P.M. - Council Chambers - City Hall - City of Dover

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

INVOCATION BY CHAPLAIN WALLACE DIXON

PLEDGE OF ALLEGIANCE

AGENDA ADDITIONS/DELETIONS

* **CONSENT AGENDA**

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

* 1. Adoption of Minutes - Regular Council Meeting of April 9, 2007

2. Proclamation - Arbor Day

3. Final Report and Recommendations of the Sex Offender Legislation Review Committee

4. Presentation - Certificates of Appreciation for Members of the Sex Offender Legislation Review Committee

5. Annexation/Rezoning Public Hearing/Final Reading - Property Located on the West Side of Bay Road at the Intersection with Lafferty Lane, Containing 3.30+/- Acres (owned by Island Farm Inc., David K. Harer, and Ryan W. Lloyd. The equitable owner is Stillman Glade Associates, Inc.)
   A. Annexation Referendum Results (04/12/07): 3 FOR 0 AGAINST
   B. Annexation Resolution
   C. Rezoning Public Hearing and Final Reading of Proposed Ordinance to amend the zoning designation from RS-1, Single Family Residence, and BN, Neighborhood Business (Kent County), to C-4 - Highway Commercial, subject to the AEOZ - Airport Environs Overlay Zone (City of Dover) *The First Reading of the proposed ordinance was accomplished during the Council Meeting of February 12, 2007*

6. Public Hearing/Final Reading - Proposed Amendments to Comprehensive Plan Update 2003, as Amended in May 2005 and September 2006
The First Reading of the following proposed ordinances was accomplished during the Council Meeting of January 22, 2007. Copies of the proposed ordinances are available at the entrance of the Council Chambers.

   A. An Ordinance amending the City of Dover Comprehensive Plan Update 2003, as amended in May 2005 and September 2006, by amending Land Development Map 11-1 by changing the Land Use Type from Commercial to Residential Medium Density on that property located east of South Bay Road and east of the Blue Hen Corporate Center, owned by Blue Hen CC, LLC. (Rezoning from SC-3 to RM-2 - **See Item #7**) **Tabled During Council Meeting of April 9, 2007**

7. Public Hearing/Final Reading - Rezoning
Property located east of South Bay Road and east of the Blue Hen Corporate Center, owned by Blue Hen CC, LLC. The property is currently zoned SC-3 (Regional Shopping Center Development) and the proposed zoning is RM-2 (Medium Density Residence) *The First Reading of the proposed ordinance was accomplished during the Council Meeting of January 22, 2007.* **Tabled during the April 9, 2007 Council meeting (Petition Received)**

8. Public Hearing/Final Reading - Proposed Zoning Text Amendments
The First Reading of the following proposed ordinances was accomplished during the Council Meeting of March 12, 2007. Copies of the proposed ordinances are available at the entrance of the Council Chambers.

   A. Appendix B - Zoning, Article 3 - District Regulations, Section 10 - Institutional and Office Zone
   B. Appendix B - Zoning, Article 5 - Supplementary Regulations, Section 14 - Day Care Facilities
   C. Appendix B - Zoning, Article 6 - Off-street Parking, Driveways and Loading Facilities, Section 3 - Required Off-street Parking Spaces
   D. Appendix B - Zoning, Article 12 - Definitions

* 9. Utility Committee Report - April 9, 2007
   A. Evaluation of Bids - System Control and Data Acquisition (SCADA) Maintenance Contract
   B. Brown Water Update

* 10. Legislative, Finance, and Administration Committee Report - April 9, 2007
   A. Luther Village Subdivision Waiver - Street Frontage
   B. Evaluation of Bids - HVAC System for Public Utilities Department

* 11. Special Joint Council and Committees Meeting - April 12, 2007
   A. Delaware Civic Center Multi-Purpose Arena Presentation by Carolyn Courtney, Delaware Civic Center Administrator

12. Legislative, Finance, and Administration Committee Report - April 23, 2007
(except for the following time sensitive issues, the LF&A Committee Report from April 23, 2007 will be presented to Council during their Regular Meeting of May 14, 2007 for Council's review and consideration)
    A. Proposed Resolution in Support of the Delaware Civic Center

* 13. Monthly Reports - March 2007
    A. Budget Report
    B. Chief of Police Report
    C. City Assessor Report
    D. City Manager's Report
    E. Planning and Inspections Report
    F. Dover Fire Department Report
    G. CIP Report

* 14. City Manager's Semi-Annual Inspection - Robbins Hose Company

15. Election Results - 2007 Municipal Election

16. Rezoning Request/First Reading (Recommended for referral to the Planning Commission on May 21, 2007 and that a Public Hearing be set for June 11, 2007 at 7:30 p.m.)

    A. Property located at 1004 South State Street, consisting of .07635$^{+/-}$ acres, owned by Sunoco, Inc. The equitable owner is BBC Properties, Inc. The property is currently zoned C-3 (Service Commercial) and the proposed zoning is C-2A (Limited Central Commercial)

17. First Reading - Proposed Zoning Text Amendment
The First Reading is offered on the following proposed ordinance. Since it is an amendment to the Zoning Code, a public hearing is required. It is recommended for referral to the Parks, Recreation, and Community Enhancement Committee on April 24, 2007, the Planning Commission on May 21, 2007, and that a Public Hearing be set for May 28, 2007 at 7:30 p.m. and that the Second Reading and Final Action by Council take place at that time. Copies of all proposed ordinances are available at the entrance of the Council Chambers or can be obtained from the City Clerk's Office.

    A. Appendix B - Zoning, Article 3 - District Regulations, Section 2 - General Residence Zones (RG-1 and RG-2)

18. Council Members Announcements

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REGULAR COUNCIL MEETING

The Regular Council Meeting was held on April 9, 2007 at 7:30 p.m. with Council President Williams presiding. Council members present were Mr. Carey, Mrs. Russell, Mr. McGlumphy, Mr. Slavin, Mr. McGiffin, Mr. Hogan, Mr. Salters, and Mr. Ruane.

Council staff members present were Police Chief Horvath, Mr. Capuano, Mrs. Mitchell, Mrs. Townshend, Deputy Fire Chief Carey, Mr. DePrima, City Solicitor Rodriguez, and Mrs. McDowell.

OPEN FORUM

The Open Forum was held at 7:15 p.m., prior to commencement of the Official Council Meeting. Council President Williams 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 Chaplain Dixon, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

Council President Williams requested that item #5A - Public Hearing/Final Reading for the Rezoning of 747 North DuPont Highway be considered prior to #4A - Public Hearing/Final Reading of Proposed Amendments to Comprehensive Plan Update 2003 (Blue Hen Corporate Center). She also requested the addition of item #15 - Final Reading, Revised Budget Ordinance.

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

Mr. Ruane requested that items #7A - Discussion, Options to Address Regulation 1146 Emission Control Requirements at McKee Run 3 Electric Generation Station, #7C - Proposed Energy Conservation Plan for Dover, and #7D - Franchise Agreement Comprehensive Strategy, be removed from the Consent Agenda. Mr. Hogan requested that item #8G - FY07 CDBG Grant Applications, Review, and Recommendations, be removed from the Consent Agenda.

Mr. Carey moved for approval of the Consent Agenda, as amended, seconded by Mr. Salters and carried by a unanimous roll call vote.

ADOPTION OF MINUTES - COUNCIL RETREAT OF MARCH 15, 2007

By consent agenda, Mr. Carey moved for adoption of the Council Retreat Minutes of March 15, 2007, seconded by Mr. Salters and carried by a unanimous roll call vote.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF MARCH 26, 2007

The Minutes of the Regular Council Meeting of March 26, 2007 were unanimously approved by motion of Mr. Carey, seconded by Mr. Salters and bore the written approval of Mayor Speed.

RESOLUTION - SPRING CLEAN UP WEEK

The City Clerk read a proposed Resolution for Spring Clean Up Week.

By motion of Mr. Salters, seconded by Mr. Hogan, Council unanimously adopted the following Resolution:

WHEREAS, we are fortunate to live in a City so abundantly blessed with natural assets and we have a continuing responsibility for preserving our environment by keeping it clean, healthy, and beautiful; and

WHEREAS, the Annual Old Dover Days celebration, a period set aside to honor the heritage of the City, will be celebrated May 4 - 6, 2007; and

WHEREAS, during this celebration we have the opportunity to demonstrate to ourselves, our neighbors, and our visitors, our commitment to a clean and beautiful city.

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

1. That the week of April 23 - 27, 2007 is designated as SPRING CLEANUP WEEK in the City of Dover.

2. That all organized and individual segments of our population participate in this noble effort by developing and carrying out imaginative clean-up, paint-up, and fix-up projects which will serve to enhance, restore, or maintain the beauty of all properties in our community.

3. All Spring Cleanup debris should be placed for pickup along with regular household garbage during the week of April 23 - 27, 2007 so that our City will exemplify cleanliness and beauty during the Old Dover Days celebration.

ADOPTED: APRIL 9, 2007

PRESENTATION - GOVERNMENT FINANCE OFFICER'S ASSOCIATION (GFOA) DISTINGUISHED BUDGET PRESENTATION AWARD

The Distinguished Budget Presentation Award for Fiscal Year beginning July 2006, from Government Finance Officers Association (GFOA), was awarded to the City of Dover. This award signifies the excellent manner in which the City prepares and presents its budget. On behalf of the Mayor and City Council, Mr. Salters, Chairman of the Legislative, Finance, and Administration Committee, presented the award to Mrs. Tieman, Director of Administrative Services.

Mrs. Tieman noted that this is the 18th time the City has received this award (16th consecutive).

PRESENTATION - MIRROR LAKE FOUNTAIN

Mr. Gardner, Line Crew Superintendent, presented a Power Point Presentation of the City of Dover Mirror Lake Fountain (*As on File in the Office of the City Clerk*). He stated that one of his goals for this year was to select an area in Dover to enhance its beauty and establish water quality control.

Responding to Mr. Ruane, Mr. Gardner explained that the fountain requires 28 amps, which could not be accomplished using solar energy and that a windmill would be very costly. He stated that the daily electric use for the fountain is $8.89. As will be considered later in this meeting, Mr. Ruane stated that the Council will be pledging to make more use of energy conservation measures and would appreciate staff reaffirming their contribution. He requested that in the future, staff incorporate energy conservation measures when considering such facilities.

Mr. DePrima thanked Mr. Gardner and the line crew for their efforts. Concurring with Mr. Ruane, Mr. DePrima stated that all departments will have goals and the challenge to develop ways of implementing and using energy efficiency, green power, etc. With regards to the Mirror Lake Fountain, he stated that there is an environmental aspect to the project since it will serve to improve water quality. Mr. DePrima stated that staff will be reviewing this project to determine how it affects some of the algae blooms in the lake and it is hoped that it will have a positive affect.

PRESENTATION - POLICE DEPARTMENT ANNUAL REPORT

The Police Department submitted their Annual Report to City Council during their Regular Meeting of February 26, 2007. Chief Horvath provided a Power Point Presentation (*As on file in the Office of the City Clerk*), depicting highlights of the report.

PRESENTATION - PLANNING AND INSPECTIONS DEPARTMENT ANNUAL REPORT

The Planning and Inspections Department submitted their Annual Report to City Council during their Regular Meeting of March 26, 2007. Mrs. Townshend provided a Power Point Presentation (*As on file in the Office of the City Clerk*), depicting highlights of the report.

PUBLIC HEARING/FINAL READING - REZONING OF PROPERTY LOCATED AT 747 NORTH DUPONT HIGHWAY, OWNED BY 747 ASSOCIATES, LLC

A public hearing was duly advertised for this time and place to consider rezoning of property located at 747 North DuPont Highway, owned by 747 Associates, LLC. The property is currently zoned C-4 (Highway Commercial) and the proposed zoning is SC-2 (Community Shopping Center).

Mr. Salters moved that the final reading of the proposed rezoning ordinance amendment be acknowledged by title only, seconded by Mr. Hogan and unanimously carried. *(The First Reading of this ordinance was accomplished during the Council Meeting of February 26, 2007).*

Planner's Review

Mrs. Townshend, City Planner, reviewed the petition to amend the zoning district and the findings and recommendations of the Planning Commission (***Exhibit #1***).

Public Hearing

Council President Williams declared the hearing open.

Ms. Amanda Jones, Morris & Ritchie Associates, relayed support for the project and explained that the rezoning would allow for a greater variety of uses within a commercial zone. She noted that the property is completely surrounded by commercial uses and that the request is consistent with the Comprehensive Plan.

Mr. Rudolph Ruffin, 705 N. DuPont Highway - property owner of Arby's Restaurant, stated his support for the requested rezoning, with a stipulation. He stated that the restaurant is the only business on Route 13 that has a pumping station. If any development is made on the Berry Van Lines property, he requested that arrangements be made for the tie in of their sewer line in order to eliminate the pumping station. He has been advised that once the Berry Van Lines property is developed, there is no other means to correct this situation.

Mr. John Paradee, Attorney with Pricket, Jones, and Snyder of 11 N. State Street, relayed his support for the rezoning for the reasons stated by the City Planner and that of the Planning Commission. He stated that the project is entirely consistent with the Comprehensive Plan and with the character of the neighborhood in the area. Mr. Paradee indicated assurance that the property owners would be willing to consider the issue previously mentioned by Mr. Ruffin regarding the sewer connection. He stated that this would be an issue to consider during the site plan process. Although the plans for the sewer lines from the City have not been obtained, he stated that as a matter of public record, they would be willing to look into and hopefully address this issue.

Council President Williams declared the hearing closed.

Mr. Salters moved for approval of the rezoning request, as recommended by the Planning Commission. The motion was seconded by Mr. Hogan and by a unanimous roll call vote, Council adopted the following ordinance:

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT 747 NORTH DUPONT HIGHWAY.

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

WHEREAS, it is deemed in the best interest of zoning and planning to change the permitted use of property described below from C-4 (Highway Commercial) to SC-2 (Community Shopping Center).

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

1. That from and after the passage and approval of this ordinance the Zoning Map and Zoning Ordinance of the City of Dover have been amended by changing the zoning designation from C-4 (Highway Commercial) to SC-2 (Community Shopping Center) on that property located at 747 North DuPont Highway, consisting of three (3) parcels containing 25.058 +/- acres, owned by 747 Associates, LLC.

ADOPTED: APRIL 9, 2007

PUBLIC HEARING/FINAL READING - PROPOSED AMENDMENTS TO THE COMPREHENSIVE PLAN UPDATE 2003, AS AMENDED IN MAY 2005 AND SEPTEMBER 2006, BY AMENDING LAND DEVELOPMENT MAP 11-1 BY CHANGING THE LAND USE TYPE FROM COMMERCIAL TO RESIDENTIAL MEDIUM DENSITY ON THAT PROPERTY LOCATED EAST OF SOUTH BAY ROAD AND EAST OF THE BLUE HEN CORPORATE CENTER, OWNED BY BLUE HEN CC, LLC

A public hearing was duly advertised for this time and place to consider approval of a proposed zoning text amendment to the Comprehensive Plan Update 2003, as amended in May 2005 and September 2006, which would amend Land Development Map 11-1 by changing the land use type from Commercial to Residential Medium Density on that property located east of South Bay Road and east of the Blue Hen Corporate Center, owned by Blue Hen CC, LLC. Council President Williams reminded members that this matter was postponed during the Regular Council Meeting of March 12, 2007. *(City Clerk's Note: See Agenda Item #5B, Rezoning Request from SC-3 to RM-2).*

Mr. Slavin moved that the final reading of the proposed ordinance amendment be acknowledged by title only, seconded by Mr. Hogan and unanimously carried. *(The First Reading of this ordinance was accomplished during the Council Meeting of January 22, 2007)*

Planner's Review

Mrs. Townshend, City Planner, reviewed the petition to amend the Land Development Plan Map of the Comprehensive Plan and the findings and recommendation of the Planning Commission. She advised members that the property consists of $23.35^{+/-}$ acres located east of South Bay Road and east of the Blue Hen Corporate Center. The amendment is being requested by DE Exchange, LLC and Blue Hen CC, LLC. The subject parcels are currently zoned SC-3 (Shopping Center Development) and are depicted on the Land Development Plan map as Commercial. The applicants are requesting a change in the land use designation from Commercial to Residential Medium Density and have submitted an application to rezone the property to RM-2 (Medium Density Residence Zone), which will be considered later in the meeting (Item #5B). Mrs. Townshend noted that the Planning Commission recommended approval of amending the Land Development Plan Map designation from Commercial to Residential Medium Density (and amending the zoning classification from SC-3 to RM-2).

Responding to Mr. Hogan, Mrs. Townshend indicated that the current zoning classification, SC-3, would allow all retail, office, personal service, recreational, and institutional facilities, which can be shown by market analysis to be needed and which will have no adverse effect on adjacent land uses. The classification is pretty broad in allowing most any retail establishment. In regards to there being no frontage on a public street, Mrs. Townshend stated that it would be necessary to have street right-of-way dedicated to the City as part of this project. It has been determined that the City would require two (2) roadway accesses to the property when this property is developed. She also explained that the property is located almost entirely in the Airport Environs Overlay Zone under Noise Zone A which does permit residential uses. It will be subject to the requirements of the AEOZ regardless of the zoning classification.

Mr. Ruane noted that included in the packet (and made a part of the record) are: 1) April 3, 2007 Memo from Ann Marie Townshend; 2) Letter from Mr. Gregg Moore, Principal of Becker Morgan Group, dated March 19, 2007; and 3) April 4, 2007 Memo from Sharon Duca, Assistant City Engineer, regarding the Preliminary Assessment of Pump Station #6 (Schoolview).

At the request of Mr. Ruane, and there being no objections, Mrs. Duca, Assistant City Engineer, reviewed the Preliminary Assessment of Pump Station #6 (Schoolview). She stated that one of the main requirements for any developer, when they connect to the City's water or sewer system, is that they are required to make any capacity adjustments or any other required improvements to the system at their expense. With regards to Pump Station #6, she stated that there are two (2) limiting factors that would require additional system upgrades, as follows: 1) sanitary sewer entering Pump Station #6; and 2) sanitary sewer in which Pump Station #6 discharges. The sewer entering the pump station has a limit of 68 EDUs that would give it a full flow capacity which in and of itself is not recommended (City desires 3/4 full). The pump which it discharges into is limited to approximately 118 EDUs, that would have similar stipulations as the incoming pipe. Mrs. Duca stated that various upgrades were not investigated that would be required at the pump station because there are various combinations that can be accomplished in relation to the size of pipe that is exiting, changes to the wet well, changes to the pump itself, etc., which is outside the scope of the what city staff does since this falls on the developer to propose potential improvements for city staff to review. In order for additional units to enter this station, there would need to be some significant upgrades to the sewer lines and the pump station involved. She also noted that there are sewer facilities available to the west of the site and to the north and that the developer could add a private pump station. The City would not object to either of these alternatives.

Responding to Mr. Slavin, Mrs. Townshend explained that in 2005, when the City was considering amending the 2003 Comprehensive Plan Update and the Comprehensive Rezoning, staff initially proposed changing the land use designation to what is currently being requested, as well as a zoning classification of RM-2. She stated that it was felt that this property would be an appropriate area of the City for a medium density residential zone, since it would provide a transition from the more intense shopping center use to the residential use to the rear of the property, near the Schoolview property. From a planning perspective, Mrs. Townshend stated that such a change in the use would provide for in-fill development, also the opportunity for residential uses in an area where the City is looking for economic development to occur, and provide for the "live where you work" scenario, which provides positive aspects to air quality, community, etc.

In response to Mr. Ruane, Mrs. Townshend stated that the City received a petition from the residents of Schoolview in opposition to the proposed rezoning. During staff's initial analysis of the petition, it was determined that the signatures comprised 25.79% of the land area adjacent to the subject parcel. In accordance with Title 22, Chapter 3, of the Delaware Code, since this exceeds 20% of the property owners within 100 feet of the subject parcel, an affirmative vote of 3/4 of City Council would be required to approve the rezoning. However, she explained that after discussions with the City Solicitor, it was determined that the actual qualified signatures comprised 14.46% of the land area adjacent to the subject parcel, which would require a simple majority vote of Council rather than a 3/4 vote. Mrs. Townshend indicated that this vote is relative to the rezoning request and not for the Plan Amendment. Mr. Ruane suggested that future notices sent to adjacent property owners include petition requirements.

Responding to Mr. McGlumphy regarding valid signatures, City Solicitor Rodriguez stated that a property that is owned by a husband and wife would require both signatures. A signature that is written as "Mr. and Mrs. John Doe" does not qualify as a signature of either owner. He explained that the actual property owners, as listed on the deed, would be required to sign the petition in order to qualify. The signature requirement is State law and also interpretation by the courts in the State

of Delaware. City Solicitor Rodriguez did not feel that it would be incumbent upon the City to notify the residents that the petition does not qualify for the 3/4 vote requirement due to unacceptable signatures. He further stressed his opinion that the City should not get into the position of advising the public of the law, explaining that it could cause legal issues. He suggested that residents obtain the advice of outside counsel.

Mr. McGlumphy advised members that he has been working with the residents of Schoolview since last April and that he is aware that there was a previous petition that was signed by approximately 90 individuals that were opposed to the proposed hotel. He relayed disappointment in receiving notification of the petition's invalidation just prior to the meeting. It was his feeling that the City should have given the residents notification regarding their petition.

Concurring with City Solicitor Rodriguez, Mr. McGiffin felt that it should not be the City's responsibility to interpret the law for residents. He advised members that ignorance of the law is not a defense to any action and that it is incumbent upon the residents to determine how to handle matters.

In response to Mr. Hogan, Mrs. Townshend confirmed that the Day Care Center, located on the northern end of the proposed site, is not included in the amendment, as is indicated on the map.

Mr. Ruane stated that he would not suggest that the City should interpret the law for residents; however, he suggested that a copy of the existing statute could be provided by the City as a courtesy to the public and to avoid situations such as the one before them.

Responding, Mrs. Townshend advised members that it is not the law in Delaware Code that is the issue. Delaware Code addresses the voting requirements when a petition is received from property owners within 100 feet. It is case law in the State of Delaware that determines what constitutes a valid signature.

It was City Solicitor Rodriguez' feeling that the residents, as well as staff, were aware of the Delaware Law requiring signatures of 20% of the property owners within 100 feet of the site; however, it is the interpretation of actual cases that is the issue. If the City were to begin publishing the case laws and interpreting what the case law is, the City will be getting themselves into trouble.

Responding to Mr. Carey, City Solicitor Rodriguez noted that the public hearing scheduled for this time and place has not yet been held. It was his opinion that if the matter was tabled and the public hearing rescheduled, a new petition could be filed. He further explained that the public hearing would need to be closed tonight if it were opened tonight and then no further information could be received from the public once the public hearing is closed.

Mr. Carey moved to table the matter until the next meeting scheduled for April 23, 2007, seconded by Mrs. Russell.

Mr. Slavin stated his feeling that a lesson has been learned, explaining that he was not aware of the case law. In response to a previous statement made by a fellow member regarding the City's responsibility to educate residents, he noted that all members of Council were provided the

information and some members have been meeting with the residents. It was his opinion that those members of Council had the responsibility to learn and know what constitutes a valid petition as well. However, he wanted those signers of the petition to realize that members of Council are not just ignoring their position. Although the petition may not qualify to require a 3/4 vote of Council, Mr. Slavin indicated that Council takes into consideration the intent of the signers whenever a petition is received.

Mr. Slavin encouraged members to move forward with the public hearing, noting that some points have already been resolved, such as the sewer issue, and that there has been a substantial amount of information provided for the public record.

At the request for clarification by Mr. Salters, City Solicitor Rodriguez confirmed that if there are four (4) people listed on the deed for one (1) property, for a signature to be valid on a petition of this nature, all four (4) signatures would be required.

On a call for the question, the motion to table the consideration of a proposed amendment to the Comprehensive Plan Update 2003, as amended in May 2005 and September 2006, which would amend Land Development Map 11-1 by changing the land use type from Commercial to Residential Medium Density on that property located east of South Bay Road and east of the Blue Hen Corporate Center, owned by Blue Hen CC, LLC until the next Regular Council Meeting of April 23, 2007 was carried by a roll call vote of six (6) yes, and three (3) no (Mr. Slavin, Mr. McGiffin, and Mr. Salters).

PUBLIC HEARING/FINAL READING - REZONING OF PROPERTY LOCATED EAST OF SOUTH BAY ROAD AND EAST OF THE BLUE HEN CORPORATE CENTER, OWNED BY BLUE HEN CC, LLC

A public hearing was duly advertised for this time and place to consider rezoning of property located east of South Bay Road and east of the Blue Hen Corporate Center, owned by Blue Hen CC, LLC. The property is currently zoned SC-3 (Regional Shopping Center Development) and the proposed zoning is RM-2 (Medium Density Residence). This matter was postponed during the Regular Council Meeting of March 12, 2007.

Due to the tabling of the previous item, Council President Williams noted that no further action can be taken regarding the rezoning application.

Mr. McGiffin moved to table the rezoning request of property located east of South Bay Road and east of the Blue Hen Corporate Center, owned by Blue Hen CC, LLC. The motion was seconded by Mr. Hogan and unanimously carried.

SPECIAL PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE REPORT - MARCH 19, 2007

A Special Parks, Recreation, and Community Enhancement Committee meeting was held on March 19, 2007 with Chairman Ruane presiding.

FY07 Grant Application Presentation, Review, and Recommendations

It was noted that the committee will serve as the FY07 Grant Application Review Panel for the Community Development Block Grant Applications for Fiscal Year 2007. As such, members were provided application details, staff reports summarizing each application, a CDBG Review Panel Scoring Sheet, and a worksheet for summarizing individual evaluations of each application. Mrs. Harvey, Community Development Coordinator, requested that each member summarize their evaluation of each application on the CDBG Review Panel Worksheet based on needs determined from the site visit, oral presentations from each applicant, and individual scoring of each applicant. She explained that the number in the parenthesis for each measure to be scored is the maximum score for a given category. The maximum total points is 100. Mrs. Harvey advised members that the total grant available for activities is $238,660 and explained the allocation requirements of the grant, as follows:

CDBG Funds allocation	$278,978
Anticipated Program Income	$ 19,346
	$298,324
20% of the Grant must be allocated for Program Administration	$298,324 x .20
	$ 59,664
Public Service Activities cannot exceed 15% of the Grant	$298,324 x .15
	$ 44,748
Total Grant Available for Activities	$238,660

ORAL PRESENTATIONS

Each applicant was provided an opportunity to make oral presentations before the committee, as follows:

First State; Resource Conservation and Development Council (RC&D) - $25,000

Ms. Christne L. Stillson, Director of Emergency Home Repair Project for the First State Resource Conservation and Development Council (RC&D), explained that the grant application, in the amount of $25,000, is to support the activities of the Emergency Home Repair Project for repairing an estimated eight (8) to ten (10) homes in the City of Dover during the 2007/2008 fiscal year. She advised members that these funds will assist very low income homeowners in the elimination of severe housing conditions that constitute immediate health or safety hazards to the residents of the home, such as heating systems, roof replacements, hazardous electrical systems, and wheel chair ramps.

Having received CDBG Grant money in previous years, Ms. Stillson stated that there have been a total of 14 sites receiving repairs in the City limits. Members were provided details regarding the site locations and the repairs received from July 2005 to date.

Connections Community Support Programs, Inc. - $25,000

Ms. Kirsten Olson, Director of Development and Housing for the Connections Community Support Programs, Inc., advised members that the organization serves individuals that have been chronically homeless for one (1) year or more and have extremely low income. The grant application, in the amount of $25,000, is to support their new Easy Access 2 Permanent Housing Program, which is the first permanent supportive housing program for the chronically homeless to be sited in the City of Dover.

Ms. Olson explained that Connections Community Support Programs, Inc. provides a comprehensive array of community-based treatment, support, housing, and rehabilitation services for people recovering from and living with mental health and substance use conditions, homelessness, and HIV/AIDS.

In response to Mr. Ruane, Ms. Olson indicated that she has had discussions with the City Planner and has obtained an attorney to determine if there is a zoning issue with the current activities of the Connections facility.

House of Pride - $33,050

Mr. Mondoe Davis, Operations Manager for the House of Pride, as well as Planning Coordinators, Ms. Lisa Davis and Mr. Gary Kennedy, addressed members regarding the House of Pride CDBG application in the amount of $33,050. The request is to provide extermination services for wood destroying insects, rodents, and cockroaches, and heat installation. Mr. Davis stated that the organization provides transitional housing for substance abuse and drug addicted individuals. It was noted that the House of Pride received a CDBG grant in 2003 for $25,000, which was returned to the City for failure to comply with program guidelines and to expend the funds in a 24 month period.

Tolano and Cathy Anderson - $57,000

Mr. Tolano Anderson, Owner/Manager, and Mrs. Cathy Anderson, Co-Owner/Assistant Manager, advised members that their goal is to provide residential housing for low to moderate income and handicapped persons and assists in the revitalization efforts in the downtown target area. The properties to be rehabilitated are located at 301B, 303A, 303B, and 305A W. Loockerman Street. Mr. Anderson explained that the funds would be used for structural framing, roof and ceiling work, plumbing, electrical, and HVAC, walls, sub-floors, windows and fixture installation, trim work, floor covering, and appliances, as well as landscaping, parking, security, and lighting. He noted that the commercial storefront located at 301 W. Loockerman Street will be developed exclusively at the owner's expense.

Delaware Valley Development Company - $150,000

Mr. Glenn Worgan, Vice President of the Delaware Valley Development Company, explained that the grant application, in the amount of $150,000, is to assist with the revitalization of the Walker Woods rental community. He advised members that the Delaware Valley Development Company is a full service real estate development, building, and investment company specializing in affordable housing. He noted that the total development cost is approximately $8,000,000.

Responding to Mr. Ruane, Mr. Worgan indicated that a letter of support from the City of Dover would improve the chances of obtaining grant monies from the State of Delaware.

City of Dover Community Development Projects: Program Administration - $59,635; Homeowner Rehabilitation Assistance Program - $50,000; Homeownership Assistance Program - $40,000; and City Facilities ADA Improvements - $26,800

Mrs. Tracy Harvey, Community Development Director, advised members that the Program Administration funds, in the amount of $59,635, will be used to oversee management, monitoring, and coordination of the CDBG program in the City of Dover. She stated that the Homeowner Rehabilitation Assistance Program funds, in the amount of $50,000, will be used to rehabilitate qualified owner occupied homes found in violation of the City's Housing Code. She indicated that the Homeownership Assistance Program funds, in the amount of $40,000, will be used to provide downpayment or settlement assistance to first time homebuyers who purchase property in the City of Dover.

Mr. Scott Koenig, Public Utilities Director, advised members that the City Facilities ADA Improvement funds, in the amount of $26,800, will be used to replace the water coolers in Weyandt Hall so that they are handicapped accessible; a no slip tread will be added to the stairway in Weyandt Hall; the men's bathroom in City Hall will be converted to a handicapped accessible bathroom that will be a family bathroom; and no slip treads and an additional a handrail will be installed on the steps to the Mayors Office.

Whatcoat Social Service Agency - $15,000

No one was present to speak on behalf of Whatcoat Social Service Agency.

Noting that each of the applicants, with the exception of the City of Dover, had completed a Sub-Recipient Application Form, including additional required information, Mrs. Russell felt that City staff should be required to submit the same material as required of all other applicants.

Mr. McGlumphy also relayed concern that all applicants are not aware of the deliberations of the committee and that they should be given the same opportunity as City staff to attend these deliberations.

The committee directed staff to provide additional details regarding the City's Community Development Projects (Homeowner Rehabilitation Assistance Program, Homeownership Assistance Program, and City Facilities ADA Improvements), similar to the required paperwork received from all other applicants.

The committee directed that the committee be provided details regarding any carryover amounts from the FY06 CDBG Funds.

The committee directed that staff be directed to contact Whatcoat Social Service Agency to determine why they did not attend today's meeting and give them the opportunity to provide an explanation.

The committee directed staff to provide a "clean hands" report regarding any outstanding City issues involving any of the applicants.

By consent agenda, Mr. Carey moved for acceptance of the Special Parks, Recreation, and Community Enhancement Committee Report, seconded by Mr. Salters and unanimously carried.

UTILITY COMMITTEE REPORT - MARCH 26, 2007

The Utility Committee met on March 26, 2007 with Chairman Carey presiding.

Discussion - Options to Address Regulation 1146 Emission Control Requirements at McKee Run 3 Electric Generation Stations

During their meeting of January 22, 2007, Mr. DePrima, City Manager, reviewed the requirements of Regulation 1146, Emissions Control Requirements. Having several concerns, members authorized the City Manager to instruct staff to have before this committee within one (1) month, the refining of the costs, results of the scenarios, and additional information on other options that were discussed by members. During their meeting of February 26, 2007, members were advised that a few weeks ago, staff met with representatives from the Department of Natural Resources and Environmental Control (DNREC) to further discuss and understand some of the requirements of Regulation 1146, and how the City may proceed to meet these requirements. In the meeting, one (1) of the options discussed was fuel switching and use of different types of fuel. Another option suggested was the low Nox burners, which is refitting our plant with burners that have low Nox emissions. Because of this suggestion, along with the requests of members, Mr. DePrima stated that staff would be making a presentation to members during their second meeting in March, which will include alternatives to comply with Regulation 1146.

Mr. Carey noted that there was an executive session held immediately preceding this meeting to discuss strategy options and questioned whether there was a need for further discussion at this time.

Mr. Ruane felt that the motion was inappropriate, explaining that such a generalized motion is not in order. More importantly, he suggested that staff provide a summary of the executive session since, in his opinion, the options discussed are not restricted to any executive privilege.

Mr. Primos, City Solicitor's Office, presented a summary of the purpose of the appeal, explaining that although the appeal has been filed by the City, it is hoped that a resolution could be reached that would be satisfactory to both the City and DNREC. It is the City Solicitor's opinion that it is important to preserve and continue with the appeal in order for the City to have the ability to reach an agreement with DNREC. It was his belief that the initial concern with the Regulation was that it could mean significant increases in both operating and capital costs (City's resources and funds), which was previously explained to members.

Mr. Ruane reminded members that the committee had previously authorized the City Manager to instruct staff to have before this committee the refining of the costs, results of the scenarios, and additional information on other options that were discussed by members (during their meeting of January 22, 2007), one of which was the request to find an alternative power source. He felt that the information requested by members was separate and apart from or in addition to the on-going negotiations with DNREC.

Responding, Mr. DePrima stated that there is no added information regarding other options, which he felt had been provided, and that this matter was extended to this meeting for the purpose of having the executive session and providing the results. He explained that there is no new information other than what was presented to members during their meeting of February 26, 2007. As was explained at that time, Mr. DePrima reminded members that building new generation is not an option for meeting Regulation 1146 simply because of the time that it would take to permit and build such generation.

In response to Mr. Ruane, Mr. DePrima stated that new generation is absolutely a matter that will continue to be reviewed by staff, reminding members that a new committee (2030 Committee) has been formed to study new generation. However, he reiterated that new generation is not an option for meeting Regulation 1146.

Disagreeing, Mr. Ruane suggested that the committee reiterate its interest in and need for the requested reports, including the action that has been taken by the new 2030 Committee. He explained his concern is with the sense of secrecy regarding the ideas that are germane and in the public record. Responding, Mr. DePrima stated that the options have been discussed in open session and made a part of the public record, explaining that there are no new options to present at this time.

Responding to Mr. Snaman, Mr. Primos stated that many of the legal issues that all three (3) appellants are concerned with are the same. The most significant aspect is that the Environmental Appeals Board itself desires that the appeals be consolidated, explaining that this is a public Board that consists of public members who have limited time to devote to an appeal; therefore, they prefer that the matters be consolidated to save time and resources that would otherwise have to be devoted to consider the appeals separately.

The committee recommended that Council proceed with the actions noted in the executive session pertaining to the City's appeal of Regulation 1146.

Responding to Mr. Ruane, City Solicitor Rodriguez confirmed that the City has filed a motion in Superior Court. Mr. Ruane questioned if the schedule for pursuing the appeal or the Superior Court case has been established. Responding, Mr. DePrima stated that there are some tentative dates being discussed for the appeals to the Environmental Control Board and that the court was not going to schedule any dates until after the outcome of the Environmental Control Board is known.

As the maker of the motion during the committee meeting, Mr. Slavin explained that the motion supports the legal strategies that were discussed in executive session and that is as far as he will discuss the issue on the public floor.

Mr. Hogan moved for approval of the committee's recommendation that Council proceed with the actions noted in the executive session of March 26, 2007 pertaining to the City's appeal of Regulation 1146, seconded by Mr. Carey.

Mr. Ruane felt that the motion represents a disingenuousness of the City and that the City has the responsibility to its citizens to prove it is environmentally responsible and that by filing any legal case, the City is doing just the opposite. It was his feeling that there are methods available other than an adversarial manner in a court of law. In addition, he stated that members of Council are not aware of the cost expenditure to date and expected costs. Therefore, he stated that he could not vote in favor of the motion without expense information.

Mr. McGiffin relayed his opinion that members of Council can be completely environmentally appropriate and committed to doing the right thing in terms of the environment and still maintain our options in this particular, very discreet, legal matter.

On a call for the question by Mr. Hogan, the motion to approve the committee's recommendation that Council proceed with the actions noted in the executive session held on March 26, 2007 pertaining to the City's appeal of Regulation 1146 was carried with Mr. McGlumphy and Mr. Ruane voting no.

Dedication of Rights-of-Way and Public Infrastructure - Fox Hall West Phases II and III

The developer of the Fox Hall West Addition Subdivision (Phases II and III), Tony Ashburn, Inc., has requested that all rights-of-way, public open space, and public infrastructure improvements related to this subdivision be dedicated to the City of Dover for permanent ownership and maintenance. Tony Ashburn, Inc. has constructed all of the improvements in accordance with City standards and specifications. After construction was completed, City staff inspected the public improvements and provided the developer with a list of repairs to be made to meet the City of Dover Standards and Specifications for Public Works Construction. As of this date, all work has been completed by the developer. A one (1) year Maintenance Agreement, Maintenance Bond, and a Release of Liabilities have been submitted by the developer. In addition, as-built drawings have been submitted to the Department of Public Works for their permanent records.

Staff recommended acceptance of the dedication of rights-of-way and public infrastructure in Phases II and III of the Fox Hall West Addition Subdivision, with the dedication to include all of the referenced public improvements, as follows:

Sewer Utility Infrastructure (estimated construction value = $ 158,852.00):

8" PVC Sanitary Sewer Main	-	2,670 l.f.
4" PVC Sanitary Sewer Laterals	-	1,222 l.f. (38 laterals)
4' Diameter Sanitary Sewer Manholes	-	13 ea. (68 v.f.)

Water Utility Infrastructure (estimated construction value = $ 142,160.00):

4" Ductile Iron Water Main	-	165 l.f.
6" Ductile Iron Water Main	-	65 l.f.
8" Ductile Iron Water Main	-	2,452 l.f.
3/4" Type "K" Copper Water Service Line	-	1,120 l.f. (38 services)
8" Gate Valves	-	6 ea.
6" Hydrant Valves	-	4 ea.
Fire Hydrants	-	4 ea.
2" Blow Off Assembly	-	1 ea.

Storm Water Infrastructure (estimated construction value = $ 109,525.00):

Yard Basins	-	1 ea.
Single Catch Basins	-	21 ea.
4' Storm Water Manholes	-	1 ea.
15" Type III Reinforced Concrete Pipe	-	789 l.f.
36" Type III Reinforced Concrete Pipe	-	381 l.f.
15" N-12 Plastic Pipe	-	772 l.f.
30" N-12 Plastic Pipe	-	565 l.f.
36" N-12 Plastic Pipe	-	125 l.f.

Street Infrastructure: (0.483 miles) (estimated construction value = $ 275,313.00)

Pebble Valley Drive	Station 7+40 to Station 20+90	l.f.
Pebble Valley Place	Station 0+00 to Station 12+00	l.f.
	Total =	2,550 l.f.

Public Open Space: 2.7022 +/- acres

The committee recommended approval of staff's recommendation for the acceptance of the dedication of rights-of-way and public infrastructure in Phases II and III of the Fox Hall West Addition Subdivision to include all of the referenced public improvements.

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

Proposed Energy Conservation Plan for Dover - Update - Items Implemented by the City

During their meeting of February 26, 2007, members were provided a detailed report entitled the Energy Plan for the City of Dover, offering suggestions in an effort to reduce emissions, lower energy bills, save taxpayer dollars, protect our environment, and protect our health. Members reviewed a Resolution endorsing the U.S. Mayors Climate Protection Agreement for their consideration. Members requested that this item be placed on the next agenda and that the packet material include a brief update on the items the City is already doing and if there is any reluctance on the part of management regarding any of the language in the proposed resolution, members should be alerted in order to develop a modification.

In reviewing the proposed resolution, Mr. DePrima advised members that Sections A and B of the Agreement are recommendations for federal and state governments, while Section C is for cities. He provided members with a list of those efforts under Section C that the City has already taken.

Responding to Mr. Ruane, Mr. DePrima stated that the only suggestion that gave him pause was item C-1 of the proposed resolution; however, he has been advised that the Coolcities Program offers programs and provides assistance to cities in calculating benchmarks and setting reduction targets. He indicated his support of items C-2 through C-12 as specified in the proposed resolution, and as long as there is a program to provide assistance in calculating benchmarks and establishing reduction targets, he would not oppose the first suggestion included in the proposed resolution.

Relaying his objections with including items A and B, it was Mayor Speed's opinion that the focus should be on what the City can do as a city and not try to tell others what to do because of the known impact that the requirements may have without an analysis. However, he relayed his full support of the contents of items C-2 through C-12.

The committee recommended adoption of the Resolution Agreement, with the understanding that it will be revised to reflect, where appropriate, references to the "City of Dover" in place of "U.S. Conference of Mayors", and the deletion of items A, B, and C-1.

Responding to Mr. Ruane, Mr. DePrima stated that once Council approves the committee's recommendation, the adopted resolution will be revised and that no further action of Council would be required.

By motion of Mr. Ruane, seconded by Hogan, Council approved the committee's recommendation and by a unanimous roll call vote, Council adopted the following Resolution:

WHEREAS, the U.S. Conference of Mayors has previously adopted strong policy resolutions calling for cities, communities and the federal government to take actions to reduce global warming pollution; and

WHEREAS, the Inter-Governmental Panel on Climate Change (IPCC), the international community's most respected assemblage of scientists, has found that climate disruption is a reality and that human activities are largely responsible for increasing concentrations of global warming pollution; and

WHEREAS, recent, well-documented impacts of climate disruption include average global sea level increases of four to eight inches during the 20th century; a 40 percent decline in Arctic sea-ice thickness; and nine of the ten hottest years on record occurring in the past decade; and

WHEREAS, climate disruption of the magnitude now predicted by the scientific community will cause extremely costly disruption of human and natural systems throughout the world including: increased risk of floods or droughts; sea-level rises that interact with coastal storms to erode beaches, inundate land, and damage structures; more frequent and extreme heat waves; more frequent and greater concentrations of smog; and

WHEREAS, on February 16, 2005, the Kyoto Protocol, an international agreement to address climate disruption, went into effect in the 141 countries that have ratified it to date; 38 of those countries are now legally required to reduce greenhouse gas emissions on average 5.2 percent below 1990 levels by 2012; and

WHEREAS, the United States of America, with less than five percent of the world's population, is responsible for producing approximately 25 percent of the world's global warming pollutants; and

WHEREAS, the Kyoto Protocol emissions reduction target for the U.S. would have been 7 percent below 1990 levels by 2012; and

WHEREAS, many leading US companies that have adopted greenhouse gas reduction programs to demonstrate corporate social responsibility have also publicly expressed preference for the US to adopt precise and mandatory emissions targets and timetables as a means by which to remain competitive in the international marketplace, to mitigate financial risk and to promote sound investment decisions; and

WHEREAS, state and local governments throughout the United States are adopting emission reduction targets and programs and that this leadership is bipartisan, coming from Republican and Democratic governors and mayors alike; and

WHEREAS, many cities throughout the nation, both large and small, are reducing global warming pollutants through programs that provide economic and quality of life benefits such as reduced energy bills, green space preservation, air quality improvements, reduced traffic congestion, improved transportation choices, and economic development and job creation through energy conservation and new energy technologies; and

WHEREAS, mayors from around the nation have signed the U.S. Mayors Climate Protection Agreement which, as amended at the 73rd Annual U.S. Conference of Mayors meeting, reads: We will strive to meet or exceed Kyoto Protocol targets for reducing global warming pollution by taking actions in our own operations and communities such as:

1. Adopt and enforce land-use policies that reduce sprawl, preserve open space, and create compact, walkable urban communities;

2. Promote transportation options such as bicycle trails, commute trip reduction programs, incentives for car pooling and public transit;

3. Increase the use of clean, alternative energy by, for example, investing in "green tags", advocating for the development of renewable energy resources, recovering landfill methane for energy production, and supporting the use of waste to energy technology;

4. Make energy efficiency a priority through building code improvements, retrofitting city facilities with energy efficient lighting and urging employees to conserve energy and save money;

5. Purchase only Energy Star equipment and appliances for City use;

6. Practice and promote sustainable building practices using the U.S. Green Building Council's LEED program or a similar system;

7. Increase the average fuel efficiency of municipal fleet vehicles; reduce the number of vehicles; launch an employee education program including anti-idling messages; convert diesel vehicles to bio-diesel;

8. Evaluate opportunities to increase pump efficiency in water and wastewater systems; recover wastewater treatment methane for energy production;

9. Increase recycling rates in City operations and in the community;

10. Maintain healthy urban forests; promote tree planting to increase shading and to absorb CO2; and

11. Help educate the public, schools, other jurisdictions, professional associations, business and industry about reducing global warming pollution.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Dover endorse the U.S. Mayors Climate Protection Agreement as amended by the 73rd annual U.S. Conference of Mayors meeting and urges mayors from around the nation to join this effort.

BE IT FURTHER RESOLVED, the City of Dover will work in conjunction with ICLEI Local Governments for Sustainability and other appropriate organizations to track progress and implementation of the U.S. Mayors Climate Protection Agreement as amended by the 73rd annual U.S. Conference of Mayors meeting.

ADOPTED: APRIL 9, 2007

Franchise Agreement Comprehensive Strategy - Video Services - Parameters for the Negotiations with Verizon for the Franchise Agreement

Members were reminded that Verizon Delaware has requested a franchise and that the City will enter into negotiations for a franchise agreement. As a result, staff provided an analysis of telephone company cable franchises, issued by The National Association of Telecommunications Officers and Advisors (NATOA).

Mrs. Mitchell, Treasurer/Finance Director, reviewed the information provided by NATOA and questioned if there were any other parameters that members would like to have addressed and/or included in such an agreement.

Mr. Ruane suggested that, minimally, the franchise agreement to be negotiated should be required to include all items on the NATOA analysis, by topic. In addition, he felt that there should be reporting requirements as well as target dates in order to allow for measuring their fulfilling the obligation. He also felt that in the area of streets, there is a need to include right-of-way construction standards as a part of the agreement so that the City's expectation is understood. There should be consideration of the possibility of a no-charge parental control, allowing parents the opportunity to control the service. Additionally, there should be a locally triggered emergency alert system, in addition to the national system, so that when the City has an emergency, the system can be used to alert the people through the Verizon service. Mr. Ruane suggested that there be enforcement provisions included, such as liquidated damages and that a franchise bond should be considered.

Responding to Mr. Slavin, Mrs. Mitchell stated that the proposal received from Verizon Delaware has not been made available for public inspection since it contains proprietary and confidential information. The City Solicitor suggested that it not be made public unless approval was granted by Verizon. Mr. Slavin suggested that a discussion draft proposal be made available for the public and that staff work with Verizon to "scrub" the document to assure that any proprietary information is not released.

Mrs. Mitchell stated that when this issue is brought back to the committee, it will be a model agreement that is presented (for public purposes) and will not be the actual negotiated agreement. It was Mr. Slavin's opinion that there should not be much difference between the model and negotiated agreement.

Mr. Ruane suggested that the City obtain professional, outside counsel for this negotiation and suggested that the City consider seeking reimbursement for such service from the applicant. Responding, Mrs. Mitchell stated that she has received a list of legal counsel firms specializing in this type of negotiation to provide guidance to the City. She has sent a request for estimated costs.

The committee recommended that the Treasurer/Finance Director be authorized to seek and engage, through the proper protocols, legal counsel specializing in this area to protect the City's interest in the final outcome.

Mr. Carey moved for approval of the committee's recommendation, seconded by Mrs. Russell and unanimously carried.

The committee recommended that the Treasurer/Finance Director be authorized to investigate both the legality and methodology for getting reimbursement for the legal counsel costs from the applicant.

Mr. Carey moved for approval of the committee's recommendation, seconded by Mrs. Russell and unanimously carried.

Mr. Hogan explained his understanding that the City cannot require more of Verizon than what is currently required from Comcast, nor can we require less. He relayed concern that the City does not allow Verizon to "cherry pick", understanding that not everyone will be brought in at one time; however, there should be a clear schedule, including deadlines for when they will bring in service to the entire City, not just parts of the City. He also indicated his support that this matter be opened to the public as much as possible.

Concurring, Mr. Ruane stated his belief that part of the strategy should include opening a dialogue with Comcast on those issues that will come up during the negotiation with Verizon. Mrs. Mitchell advised members that the plan is to request the legal counsel to provide direction in the comparability of both agreements.

Consideration of Letter of Support - Transmission Project

Mr. McCullar, President and CEO of Delaware Municipal Electric Corporation, Inc., submitted a request for the City of Dover to send a letter of support of the Mid-Atlantic Power Pathway (MAPP) Transmission Project, as proposed by Pepco Holdings, Inc. (PHI). This project represents the first significant transmission expansion in the region in over two decades and would tie existing economic transmission and generation assets in the west to load centers on the Delmarva Peninsula. The project would also provide much needed power supply and reliability to the region at the lowest cost and with the least environmental impact.

Staff recommended approval of the letter to the Governor and Local Legislators in support of the MAPP Transmission Project. Mr. Ruane suggested that the letter be written to reflect Dover specifically. Responding, Mr. Lunt, Public Utilities Director, assured members that the letter could be revised accordingly prior to the committee's recommendation being considered by Council.

The committee recommended that a letter of support to the Governor and Local Legislators regarding the support of the Mid-Atlantic Power Pathway Transmission Project be approved and that staff be authorized to compose the letter for Council's consideration during their meeting on April 9, 2006.

By consent agenda, Mr. Carey moved for approval of the committee's recommendation (*Exhibit #2*), seconded by Mr. Salters and carried by a unanimous roll call vote.

PACE/NAES Monthly Reports (*February*)

Mr. DePrima provided the PACE/NAES Monthly Reports for February 2007. He reminded members that these reports are provided each month to give members the opportunity to monitor what is being sold in electric and the revenues received to gain a better understanding of any fluctuations and to make improvements, if deemed necessary. It is not his intent to make a presentation of the reports; however, he welcomed any questions.

In response to Mr. Ruane, Mrs. Mitchell, Treasurer/Finance Director, stated that the City's power supply is coming in below budget and generation fuel is a little above budget. The reduction of power supply is covering the fuel; therefore, she assured members that the City is on track. She stated that the power supply favor-ability is covering the generation losses and that, although there are still some losses, they have been substantially reduced due to the plant not being run as much. These small losses are for heat, oil, and certain ancillary costs.

Mr. McGlumphy reminded members that last July, the plant became a problem for the City. He does not know how to fund the small losses without numerical details. It was his hope that the small losses do not become a larger issue when Council is presented with the budget. He understands that the budget will recommend to the public a potential 14% increase in electric rates. This proposed increase is based on everything remaining static; therefore, his fear is that the 14% may increase. If one were to add the numerics from the last 14 months, with the 14% increase, there would be a total increase of 40%-44% in the City's electric rates for residential customers.

Responding, Mr. DePrima stated that the total increase, considering the previous 22% increase for residential (16% and 6%) and an additional 14%, would be a total of 36%.

Mr. McGlumphy felt that the public should be made aware so that they can be prepared for the increase in electric rates.

The committee recommended acceptance of the PACE/NAES Monthly Report for February 2007, as presented.

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

Mr. Carey moved for acceptance of the Utility Committee Report, seconded by Mrs. Russell and unanimously carried.

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE REPORT - MARCH 27, 2007

The Parks, Recreation, and Community Enhancement Committee met on March 27, 2007 with Chairman Ruane presiding.

Presentation - Silver Lake/St. Jones Landscape Plan

Mr. Carter, Director of Parks and Recreation, introduced Mr. Lyle Jones, DNREC Watershed Assessment Division. Mr. Jones distributed a map depicting the locations of the phases of the St. Jones River Buffer Project at Silver Lake Park. He advised members that the St. Jones River has been the subject of study by a Tributary Action Team, which is making recommendations to improve the health of the stream corridor. He provided members with the Scope of Services for the Planting Design Services for the St. Jones River Riparian Buffers, Guided Path Planning and Garden Design and explained that the purpose of the project is to design a planted buffer along the river that will reduce storm water run-off, pollution, nutrients, sediment, and erosion. Mr. Jones reviewed the various phases of the project and noted that additional objectives include reducing landscape maintenance, park beautification, and making the park less desirable for geese.

Mr. Jones stated that, to date, grant money in the amount of $20,000 has been received for costs of vegetation and signage. It is hoped that additional grant monies will be awarded for this program.

Mr. Edgell, Chairman of the Silver Lake Commission, indicated that members have relayed an interest in pursuing the project and look forward to working with DNREC. He stated that members would really like to begin the public participation aspect of the project.

Staff recommended support for moving forward with the project. At this time, there are no costs required of the City for this project.

The committee recommended support of the St. Jones River Buffer Project at Silver Lake Park, as recommended by the Tributary Action Team.

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

Consideration of Letter of Support - Delaware Valley Development Company - Walker Woods
During their meeting of March 19, 2007, members considered a request of the Delaware Valley Development Company for Community Development Block Grant (CDBG) Funding for the rehabilitation project at Walker Woods. Mr. Glenn Worgan, Delaware Valley Development Company, advised members that, in order to comply with the requirements of the Delaware State Housing Authority, a letter of governmental support from the Mayor of Dover is necessary for the rehabilitation project at Walker Woods.

Members were provided a draft letter for their review. Staff recommended approval of the letter of support for the Delaware Development Company's Walker Woods rehabilitation project.

Responding to Mr. Ruane, Mr. Worgan indicated that the Delaware Housing Authority is not requiring the City of Dover to conduct a public hearing for consideration of the letter.

In response to Mrs. Russell, Mr. Worgan assured members that approval of the letter would not commit the City for any financial obligation. He noted the financial request is scheduled to be considered as a separate item by the committee later on the agenda.

The committee recommended approval of the letter to be signed by the Mayor supporting the Walker Woods Rehabilitation Project.

By consent agenda, Mr. Carey moved for approval of the committee's recommendation (*Exhibit #3*), seconded by Mr. Salters and carried by a unanimous roll call vote.

Proposed Zoning Text Amendments
Members were provided proposed zoning text amendments, as follows:

Appendix B - Zoning, Article 3 - District Regulations, Section 10 - Institutional and Office Zone
Mrs. Townshend explained that the proposed amendment to Section 10 - Institutional and Office Zone of Appendix B, Article 3 - District Regulations, would allow Day Care Centers as a permitted use in the Institutional and Office Zone (IO) rather than as a conditional use. In addition, the proposed amendment would add hotel and restaurants as conditional uses in the IO Zone.

Referring to Subsection 10.16, Mrs. Townshend indicated that "Article 10" should be inserted before "Section 10.1".

Appendix B - Zoning, Article 5 - Supplemental Regulations, Section 14 - Day Care Facilities
Mrs. Townshend explained that the proposed amendment to Section 14 - Day Care Facilities of Appendix B, Article 5 - Supplemental Regulations, is in response to the State's new Day Care Regulations. The amendments align the City with the State Regulations so that there is less confusion. With reference to Subsection 14.31, Mrs. Townshend advised members that this is an issue that is routinely going before the Board of Adjustment for variances, the Board is granting the variances; therefore, standard practice is that if the Board is consistently granting variances for a specific issue, the ordinance should be reviewed for possible amendment. Mrs. Townshend advised members that the State Regulations would still govern the number of children, ratio, etc.

Appendix B - Zoning, Article 6 - Off-Street Parking, Driveways and Loading Facilities, Section 3 - Required Off-Street Parking Spaces
Mrs. Townshend explained that the proposed amendment to Section 3 - Required Off-Street Parking Spaces of Appendix B, Article 6 - Off-Street Parking, Driveways and Loading Facilities, eliminates reference to day care centers. She noted that Subsection 14.33 of Section 14, Article 5, requires one (1) parking space per 10 children. Subsection 3.1 of Section 3, Article 6, required one (1) parking space per 20 children. Eliminating the reference from Article 6, Section 3, allows for the requirement to be addressed through Subsection 14.33 of Section 14, Article 5.

Appendix B - Zoning, Article 12 - Definitions
Mrs. Townshend explained that as a result of these amendments, it is necessary to amend Article 12 - Definitions of Appendix B.

The committee recommended adoption of the proposed zoning text amendments as recommended by staff. *City Clerk's Office Note: During their Regular Meeting of March 12, 2007, City Council conducted a First Reading and referred the proposed amendments to the Planning Commission on April 16, 2007, and set a Public Hearing and Final Reading for April 23, 2007.*

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

FY07 CDBG Grant Application-Oral Presentation - Whatcoat Social Service Agency - $15,000
Ms. Ruth Pugh, Executive Director of Whatcoat Social Service Agency, explained that the grant application, in the amount of $15,000 is to replace the roof of the Ruth N. Dorsey Relief Shelter. She advised members that they received a $45,000 grant several years ago from the City, which resulted in Vera's Haven, located at 381 State College Road, which is to be completed in June 2007. She thanked the City for their support.

During a special committee meeting on March 19, 2007, members considered a Grant Application in the amount of $15,000 from Whatcoat Social Service Agency for a new roof. Due to the absence of the applicant, members directed staff to contact Whatcoat Social Service Agency to determine why they did not attend and give them the opportunity to provide explanation.

Ms. Pugh explained that although she was present for the meeting on March 19th, upon her arrival, she was advised that members were taking site visits; therefore, she returned to the facility to meet with members. Later in the afternoon, when contacted by Mrs. Harvey, she explained the situation and it was agreed that members would reschedule consideration of the request. Ms. Pugh advised members that the organization provides emergency assistance for the homeless in the form of a shelter, transitional housing, and crisis intervention. She stated that the Ruth N. Dorsey Emergency Shelter provides 46 beds for single men and women, and families. The facility is open 24-7, 365 days of the year to provide shelter for the homeless. The Shelter is an old building in need of a lot of repairs; however, the immediate need is for a new roof due to leakage, which is what the grant application is for.

It was noted that Whatcoat Social Service Agency received a CDBG grant from the City of Dover in 2001 to purchase land to build transitional housing for up to 10 units. Construction for this project did not begin until January of 2006. Whatcoat failed to submit monthly reports on the status of this project to the Community Development Office.

Update - Puncheon Run Watershed Action Team

Members reviewed an update of the Puncheon Run Action Team. The Kent Conservation District has secured funding in the amount of $45,000 from the Clean Water Advisory Council to conduct a Hydraulic Study of the Puncheon Run Stream. It is anticipated that the selection of an engineering firm qualified to conduct the study will be accomplished by the end of March 2007. It is hoped that the preliminary data can be identified by May 15, 2007 so that funding can be requested in the next State of Delaware Budget for possible improvements.

The next meeting of the Puncheon Run Action Team is planned for March 27, 2007 at 2:00 p.m.

Update - John W. Pitts Recreation Center

Members reviewed an update for the John W. Pitts Recreation Center. It was noted that construction on the site has begun and that sediment and erosion fencing has been installed around the site perimeter. The underground piping for water and parking lot drainage and fire hydrant connections have been installed. Becker Morgan is performing a review of the soil analysis for compaction and appropriate building foundation requirement. Members were also advised that a financial contribution has been received in honor of Mr. John Pitts from Mr. George Wright, in the amount of $500, and that an additional $725 has been received from family and friends in memory of Mr. William (Bill) Truitt.

Update - Planning and Funding for New Library

Members reviewed an update for the planning and funding for the new Library. Members were advised that City Council approved the formation of a New Library Committee; authorized the City Manager to solicit and hire a project coordinator to guide and support the New Library Committee; and approved funding in the amount of $180,000 for the building committee and project services for the life of the project. Staff is preparing a proposal to hire a project coordinator.

Livable Delaware Grant

Members were provided information regarding the Livable Delaware Funding, Application Guidelines for Livable Delaware Assistance to Municipalities and Counties, as well as a proposed Resolution approving the project. Mrs. Townshend, Planning Director, advised members that this

fall, City staff will begin the process of updating the Comprehensive Plan. She stated that it is estimated that the project will cost $30,000 and that the State of Delaware offers grants through their Livable Delaware Program, up to $10,000 (matching grant). In order to submit the application request for funding to the State, a Resolution from City Council is required approving the project.

Staff recommended endorsement of the Resolution approving the submission of the application for funding through the "Livable Delaware Assistance to Municipalities Counties Program" in the amount of $10,000 to aid in completion of the City of Dover Comprehensive Plan Update for the year 2008.

The committee recommended endorsement of the Resolution, as recommended by staff.

By consent agenda, Mr. Carey moved for approval of the committee's recommendation, seconded by Mr. Salters and by a unanimous roll call vote, Council adopted the following Resolution:

WHEREAS, the Mayor and Council of the City of Dover support the orderly, planned, and continued growth of the City of Dover and the necessity to comprehensively plan for such growth by virtue of sound planning practice, community input, and enforcement of the Zoning Ordinance; and

WHEREAS, the "Livable Delaware" Planning Program provides funding for activities of this type to assist municipalities in dealing with issues related to their development, transportation, land use regulations and planning to implement the goals and objectives of the "Livable Delaware" initiatives; and

WHEREAS, the City of Dover does not possess the total capital required to conduct the activity described herein.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Dover approves the submission of an application for funding through "Livable Delaware Assistance to Municipalities Counties Program" in the amount of $10,000 to aid in completion of the City of Dover Comprehensive Plan update for the year 2008.

ADOPTED: APRIL 9, 2007

FY07 CDBG Grant Applications, Review, and Recommendations

During a Special Committee Meeting on March 19, 2007, members reviewed FY07 CDBG Grant Applications and requested that staff provide additional details regarding the City's Community Development Projects (Homeowner Rehabilitation Assistance Program, Homeownership Assistance Program, and City Facilities ADA Improvements), similar to the required paperwork received from all other applicants prior to taking final action. In addition, the committee requested that staff provide details regarding any carryover amounts from the FY06 CDBG Funds, that staff be directed to contact Whatcoat Social Service Agency to determine why they did not attend today's meeting and give them the opportunity to provide an explanation, and that staff provide a "clean hands" report regarding any outstanding City regulation or ordinance violation issues involving any of the applicants.

As requested, Mrs. Harvey, Community Development Director, provided information regarding the Homeowner Rehabilitation Assistance Program, the Homeownership Assistance Program, and the City Facilities ADA Improvements. She explained that the request for funding, in the amount of $50,000, is to rehabilitate five (5) owner occupied homes within the City and bring them up to the City's Housing Code within a 12 month period. In addition, there is a request for funding, in the amount of $40,000, to provide assistance with a downpayment or settlement for first-time home buyers who purchase property in the City. There is also a request for funding, in the amount of $26,800, to make a number of city owned facilities handicapped accessible in accordance with federal ADA requirements.

With reference to the previous year's funding for the Homeowner Rehabilitation Assistance Program, Mrs. Harvey provided members with an updated list of the properties where housing repairs are currently underway and those that are to be completed in the spring.

Mrs. Harvey explained that the decrease in requested funding for the Homeownership Assistance Program from previous years is due to the significant decline in the current market for home sales.

Having heard from all applicants, Mr. Ruane referred to the CDBG Review Panel Worksheet and the definitions of criteria for scoring the application, and requested that members review the applications and issue points for each of the criteria previously set by members. He noted that the total funds available for allocation is $238,660. Members referred to the FY07 CDBG Review Panel Worksheet and the point scoring requirements and began providing appropriate points for each of the activities for each of the applications.

Several members felt that the City should assume financial responsibility rather than requesting CDBG funding assistance for the ADA Improvements; therefore, they did not provide a score for this activity and suspended its review during the scoring process.

When discussing the number of points to be awarded for "leveraging" (match) to the application submitted for affordable housing renovations at 301 W. Loockerman Street, Mr. Ruane noted that the applicant had referred to "personal assets" as the "source of matching funds". He stated that his understanding is that "matching funds" represents actual expenditures by the applicant and not simply the "value" of any assets, such as the applicants themselves. After further discussion by members, this application was awarded "8" points for "leveraging" with the understanding that the applicant must contribute at least 40%/50% of the total cost of the proposed renovations from the applicants cash resources, because this percentage represents what is necessary to be considered a "moderate" match.

After the scoring was completed, staff computed the total point scores for each of the applications.

Responding to Mr. Ruane, Mrs. Harvey indicated that the committee can establish their own rules for consideration of the applications based on the total point scores.

The committee determined that any activities that received a point score below 60 (Delaware Valley) would be eliminated from further consideration.

Mr. McGlumphy stated that members need to pay attention to the public service activities sector, noting that the two (2) applicants are the House of Pride, requesting $33,050, and Connections, requesting $25,000, and that the total amount that can be granted under this funding category is $44,748 (or 15% of the grants).

Referring to the point score of 10 for "Readiness to Proceed" provided to Connections, Mrs. Russell relayed concern since the committee was still uncertain about the applicant's ability to meet all the applicable city code requirements. Concurring, members agreed that the point score should be changed to a point score of 1.

Mrs. Horsey suggested that the House of Pride be awarded the amount of their request, $33,050, and that the remainder of the balance be awarded to Connections, in the amount of $11,748, bringing the total for "public service" activities to $44,748.

Reiterating her concerns regarding the Connections request, Mrs. Russell suggested that rather than awarding the grant money to Connections, the amount be given towards the City's ADA Improvement request. Mr. Ruane indicated his support for this allocation and suggested that those members that would favor an alternative motion as suggested by Mrs. Russell, should vote against the motion that is on the floor.

The committee recommended that Connections be awarded $11,748 based on the condition that they become in full compliance with the City's Code regulations.

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

Based on awarding the remainder of the activities the amount requested and the adjustment for the request of Connections, Mrs. Townshend stated that there is an unallocated amount of $6,862.

The committee recommended that the remaining amount of $6,862 be awarded to the City for the Homeownership Assistance Program, for a total amount of $46,862.

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

City Clerk's Office Note: Attachment #7 to the Committee's Report represented the committee's recommendations to the Council for the allocation of the FY07 CDBG Funds*. Once the grant allocation recommendations are approved by Council, staff will conduct public hearings in accordance with Federal Regulations governing the City of Dover CDBG Program. Final approval of the FY07 CDBG Funds will take place with the adoption of the 2007Action Plan and Resolution, which will be scheduled to be presented to City Council during their meeting of May 14, 2007.*

Referring to the FY07 CDBG Review Panel Worksheet, Mr. Hogan relayed concern that the rating for management capacity is too small. In reviewing the material, he stated that there are situations where an organization has had money taken from them in the past because they did not get the job

done, yet they received good scores, because they do well in other categories. He recommended a revamping of the priorities and that the weighting be changed before any final decisions on CDBG.

Mr. Hogan moved for acceptance of the Parks, Recreation, and Community Enhancement Committee Report, seconded by Mr. Slavin and unanimously carried.

SAFETY ADVISORY & TRANSPORTATION COMMITTEE REPORT - MARCH 27, 2007

The Safety Advisory and Transportation Committee met on March 27, 2007 with Chairman Hogan presiding.

Signalization Update (Gary Laing)

Mr. Laing, Municipal Liaison for DelDOT, advised members that the Signalization Project continues and is moving to the next phase. Division Street should be completed by April 6, 2007, and the next phase is to move on to Governors Avenue. There are three (3) intersections on Governors Avenue: Loockerman, North, and Water Streets. Work will begin with the North Street intersection and then after Dover Days they will move to Loockerman Street and then Water Street.

Mr. Laing stated that concerns have been expressed by the downtown merchants about how the project at Governors Avenue and Loockerman Street will affect them. There has been a tremendous amount of misinformation given to the merchants. He advised members that DelDOT representatives visited all merchants, door to door, from State Street to the Duncan Center, and distributed flyers inviting everyone to a meeting scheduled for March 28th at 6:30 p.m. in the Council Chambers at City Hall. This meeting is to allow the project managers to explain the signalization project, present factual information, and alleviate concerns. Mr. Laing stated that the rumor was that DelDOT would be closing Loockerman Street from State Street to Governors Avenue. He stated that although there will be signage indicating that the intersection is closed, he assured members that patrons will be able to get downtown.

Mr. Laing stated that on average, it takes approximately a three (3) week period to complete each intersection. A partial closure would extend the time to complete the intersection. There has been some consideration of working on this project during the night; however, they are not able to obtain concrete at that time. There are other issues involving night work, such as noise violations, etc.

Mr. Laing reminded members that this project will improve signal coordination and allow for monitoring and adjustments to signal timings, as well as provide new traffic signal equipment.

Prioritization of Transportation Projects

Mr. Hogan provided members with copies of last year's prioritization of transportation projects approved by Council during their Regular Meeting of February 13, 2006. It was noted that the list was updated to include additional projects, as follows: 1) Water Street Railroad Crossing - Eden Hill Farm; and 2) Intermodal Transportation Terminal (approved by Council during their Regular Meeting of April 10, 2006).

In reviewing the list, staff provided members with the status of the projects to assist in determining which projects should remain on the list for this year.

Since the Governors Avenue Corridor and Downtown Dover Signalization Upgrades are near completion, Mr. Hogan suggested that these projects remain on the list as priority items #1 and #2. Members felt that the Intermodal Transportation Terminal (Bus Station) should be listed as priority item #3.

Mr. DePrima advised members that there has been discussion regarding a Route 13 North Service Road Corridor which would be a connector road from Scarborough Road, east of Route 13, from the toll plaza through to Dover Downs, behind the Mall and Wilmington College. Responding, Ms. Juanita Wieczoreck, Director of the Dover/Kent County Metropolitan Planning Organization (MPO), advised members that there is an on-going study of the area from Lepore Drive to Scarborough Road to review improving interparcel connections in an attempt to get local traffic off of Route 13. The Study actually includes both the east and west sides of Route 13 and the Crawford Carroll Avenue Extension Project.

Responding to Mr. Hogan, Mr. DePrima stated that the US Route 13 Service Road Corridor Study would be an additional project and that the Crawford Carroll Avenue Extension project would remain separate. It was suggested that the US Route 13 Service Road Corridor Study be listed as priority item #9.

Mr. Carey suggested that the College Road Corridor Upgrades be moved to priority item #5 (from Kenton Road to Saulsbury Road).

Ms. Wieczoreck noted that the Loockerman Street/Forrest Avenue Improvements Project is at a different point in the development than the College Road Corridor Upgrades Project, which is more in line with the progress of the US Route 13 Service Road Corridor Study or the Crawford Carroll Avenue Extension. She suggested that members tier the projects according to where they are with DelDOT.

Ms. Wieczoreck advised members that the only project on the prioritization list that is not in the transportation improvement program is the bus terminal.

The committee recommended approval of the Transportation Project Prioritization List as developed.

By consent agenda, Mr. Carey moved for approval of the committee's recommendation (*Exhibit #4*), seconded by Mr. Salters and carried by a unanimous roll call vote.

Discussion - Full-Time Emergency Management Coordinator

During a Special Committee Meeting on October 10, 2006, members accepted the City Manager's Report on the Reichhold Chemical Incident. Mr. DePrima stated that one of the key recommendations of the report was to consider whether it is time for the City of Dover to have a full-time Homeland Security/Emergency Management employee. He advised members that Lt. Bernat of the Dover Police Department currently serves as the City's Emergency Operations Manager. Mr. DePrima stated that Lt. Bernat could address some of the issues with his position serving in this capacity on a part-time basis and from within the Police Department. In addition, the City's Public Services Director has been discussing the possibility of having an employee serve as the City's Emergency Management Coordinator within the Fire Marshall's Office.

Lt. Bernat advised members that he serves the Dover Police Department as the Selective Enforcement Unit Commander, which oversees the motorcycle unit, community policing (including the quality of life unit), parking enforcement, animal control, and special events. These responsibilities are in addition to emergency management for the City of Dover. It was his opinion that the citizens of Dover have high expectations for emergency preparedness and that the citizens would be better served if there was a full-time position devoted to emergency preparedness. He felt that the position should be a civilian. Lt. Bernat stated that some of the other cities similar in size to Dover, such as Newark, have their emergency preparedness director under the Director of Building. He stated that Annapolis, Maryland, also a capital city with relatively the same population, has a retired Police Captain serving as their Homeland Security Director as a civilian; for the City of Hagerstown, Maryland, there is a civilian Emergency Management Director for Washington County, which includes an Emergency Planner who oversees nine (9) other cities.

Responding to Mr. McGiffin, Lt. Bernat indicated that such an employee should be familiar with Public Works, explaining that emergency situations often call for action involving public utilities (water, electric, streets, etc.).

After much discussion, Mr. Hogan suggested that staff bring forward a more detailed proposal for a full-time Emergency Management Coordinator, inclusive of a job description and salary costs.

The committee recommended acceptance of the concept for the City of Dover to have a full-time Homeland Security/Emergency Management employee and authorizing staff to provide a formal written proposal for the committee's review, inclusive of details as discussed by members.

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

Miscellaneous - Dover MPO Update

For informational purposes, Ms. Wieczoreck, Director of the Dover/Kent County Metropolitan Planning Organization (MPO), provided members with the Delaware Route 8 Concept Plan and Operations Study. She advised members that the next meeting of the Project Advisory Group of the Dover MPO is scheduled for April 18, 2007.

Ms. Wieczoreck stated that there will also be a Kenton Road Study Public Workshop held on April 2, 2007 from 4:00 p.m. to 7:00 p.m. at the DelDOT Administration Building. She stated that DelDOT is holding another public hearing on the Draft 2008 Capital Transportation Program on April 19, 2007 at DelTech, Room 400A, from 4:00 p.m. to 7:00 p.m. She suggested that this hearing may be an opportunity for the City to relay the Transportation Prioritization Project list to DelDOT.

Mr. DePrima suggested that an Update by the Dover MPO be a regular item on the committee agenda.

Mr. Carey requested that Ms. Wieczoreck contact DelDOT to erect a "No U-turn" sign on Route 8, east-bound, at the intersection of Route 8 and Kenton Road.

By consent agenda, Mr. Carey moved for approval of the Safety Advisory and Transportation Committee Report, seconded by Mr. Salters and carried by a unanimous roll call vote.

EVALUATION OF BIDS - WESLEY COLLEGE PARKING LOT EXPANSION

On behalf of Wesley College, the City solicited bids to construct a 37 space parking lot at the corner of Fulton Street and North State Street, to serve as a public parking facility. The low bid was received from Harmony Construction, Inc., Wilmington, Delaware, in the amount of $169,969; however, George & Lynch claimed local vendor preference under Rule 1 (vendor located within the city limits of the City of Dover). The preference is applied by subtracting 3% from their bid price, which was $173,810, and using the resulting figure during bid review. The local vendor preference bid amount for evaluation purposes only is $168,595.70.

Staff requested authorization from City Council to execute the construction agreement provided that Wesley College can secure the required funding for the construction of the project. The City of Dover will not contribute any funding to the project but will provide contract administration and construction inspection for the project. Members were advised that Wesley College is seeking funding from area legislators using Community Transportation Funds.

Staff recommended authorization to execute the construction agreement and contract for the construction of the Wesley College Parking Lot Expansion using George & Lynch, Inc. as the contractor, in the amount of $173,810, with the stipulation that the contract not be executed until documented funding by Wesley College and/or Community Transportation Funds contracts are received.

Responding to Mr. Slavin, Mr. DePrima stated that the parking lot is and will be owned by Wesley College; however, once the improvements are made, there would be a deed restriction for a public access easement. He stated that there would be signage on the lot and that there could be directional signage off of nearby streets.

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

EVALUATION OF BIDS - FIRE APPARATUS MAINTENANCE

The City solicited bids for maintenance of fire apparatus for the Dover Fire Department. Members were advised that the work required is extensive mechanical maintenance that will be performed on all apparatus, with the exception of the utility trucks and the command vehicles, and includes extensive pump maintenance. Such maintenance will assure effective apparatus during emergency incidents resulting in less chance of accidents and injuries to firefighters and reduced down time of fire apparatus.

Staff recommended awarding the bid for fire apparatus maintenance to the low bidder, DPC Emergency Equipment, in the amount of $20,343.33.

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

EVALUATION OF BIDS - COLLEGE ROAD DISTRIBUTION SUBSTATION TRANSFORMER

During their Regular Meeting of February 26, 2007, Council approved a Capital Investment Project for the College Road Distribution Substation Transfers and Switchgear project for bidding FY07; that the necessary budget amendment be included in the mid-year review, and that funds be transferred from the I&E Fund as replenished from the existing CIP projects, as outlined in the Public Utilities Director's report dated 02/01/2007; and approved the revised CIP sheet.

Members considered a request for the purchase of the substation transformer. A request for proposals was distributed to six (6) potential vendors and was advertised according to City policy. In evaluating the proposals, staff assigned a "total cost of operation" expense to the transformers to ensure that the future costs, in the form of losses, were also considered. The low bid price of Delta Star, in the amount of $1,114,631, is also the lowest total cost of operation vendor. Members were also assured that their proposal meets all of the specifications.

Staff recommended awarding the bid to the low bidder, Delta Star, Inc. for the purchase of a 30/40/50 MVA, 69/12.470 Kv substation transformer as outlined in the Delta Star, Inc. quotation #073906 submitted in response to the City of Dover RFP 07-0045DPU, which includes the transformer ($1,089,955); offloading and installation on City of Dover pad ($6,500); assembly of parts removed for shipment, oil filling, and field testing ($14,000); and the automatic nitrogen system ($4,176) for a total cost of $1,114,631 to be paid in FY08.

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

SETTING OF PROPERTY ASSESSMENT APPEALS AND APPOINTMENT OF ASSESSMENT APPEALS COMMITTEE

City Assessor Capuano requested that the 2007 Property Assessment Appeals Hearings be scheduled for May 21, 2007 through June 1, 2007, between the hours of 9:00 a.m. and 5:00 p.m. and that the Appeals Committee be appointed prior to the hearings.

Council President Williams requested that Mr. Salters, Mr. Ruane, and Mr. Hogan, be appointed to the Assessment Appeals Committee.

Mr. McGlumphy moved to set the 2007 Property Assessment Appeals Hearings for May 21, 2007 through June 1, 2007, between the hours of 9:00 a.m. and 5:00 p.m. and for approval of the appointment of the assessment appeals committee as recommended by Council President Williams. The motion was seconded by Mr. Slavin and unanimously carried.

APPOINTMENT RECOMMENDED BY MAYOR SPEED - HISTORIC DISTRICT COMMISSION - JOSEPH MCDANIEL (TO FILL UNEXPIRED TERM OF BEVERLY WILLIAMS - TERM TO EXPIRE JULY 26, 2008)

Mayor Speed recommended the appointment of Joseph McDaniel to serve on the Historic District Commission for a term to expire July 26, 2008, to fill the unexpired term of Beverly Williams.

By consent agenda, Mr. Carey moved for approval of the appointment of Joseph McDaniel, as recommended by Mayor Speed. The motion was seconded by Mr. Salters and carried by a unanimous roll call vote.

ANNEXATION/REZONING REQUEST/FIRST READING - 1086 SOUTH STATE STREET, OWNED BY INVESTMENTS TOGETHER, LLC

A request was received for annexation and rezoning of property located at 1086 South State Street, owned by Investments Together, LLC. The property is currently zoned BG - General Business (Kent County) and the requested zoning is C2-A - Limited Central Commercial (City of Dover). Staff recommended that the request be referred to the Utility Committee on April 23, 2007, the Planning Commission on May 21, 2007, and that a public hearing be set for June 25, 2007 at 7:30 p.m.

Mr. Salters moved for approval of staff's recommendation, seconded by Mr. Hogan and unanimously carried.

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

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT 1086 SOUTH STATE STREET.

ANNEXATION/REZONING REQUEST/FIRST READING - SOUTH SIDE OF FORREST AVENUE, APPROXIMATELY 1,495.5 FEET WEST OF MIFFLIN ROAD, OWNED BY EDWIN B. BAKER, III, DONALD M. CAREY, AND RUTH CAREY

A request was received for annexation and rezoning of property located on the south side of Forrest Avenue, approximately 1,495.5 feet west of Mifflin Road, containing $5^{+/-}$ acres, owned by Edwin B. Baker, III, Donald M. Carey, and Ruth Carey. The property is currently zoned RS-1 - Single Family Residence (Kent County) and the requested zoning is R-10 - One Family Residence (City of Dover). Staff recommended that the request be referred to the Utility Committee on April 23, 2007, the Planning Commission on May 21, 2007, and that a public hearing be set for June 25, 2007 at 7:30 p.m.

Mr. Salters moved for approval of staff's recommendation, seconded by Mr. Hogan and unanimously carried.

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

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED ON THE SOUTH SIDE OF FORREST AVENUE, APPROXIMATELY 1,495.5 FEET WEST OF MIFFLIN ROAD

FINAL READING - PROPOSED ORDINANCE

The First Reading of the following proposed ordinance was accomplished during the Council Meeting of March 26, 2007.

Proposed Budget Revisions

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

Mr. Salters moved for adoption of the budget revision ordinance, seconded by Mr. Carey and by a unanimous roll call vote, Council adopted the following ordinance:

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

The amounts hereinafter named in various City funds are changed from the currently approved revenues/ receipts and appropriations to the revised revenues/receipts and revised appropriations for use by the various departments of the Municipal Government for the fiscal year beginning July 1, 2006 and ending June 30, 2007.

A. GENERAL FUND

RECEIPTS	2006/07 Budget	Additions/ (Reductions)	2006/07 Adj Budget
PROPERTY TAXES	$9,148,680	$ 106,229	$ 9,254,909
FRANCHISE FEE	410,000	12,000	422,000
TRASH FEES	1,088,540	24,000	1,112,540
COURT OF CHANCERY FEES	710,000	40,000	750,000
INTRAFUND SERVICE RECEIPTS WATER/WASTEWATER	1,173,394	8,606	1,182,000
INTRAFUND SERVICE RECEIPTS ELECTRIC	3,860,423	56,398	3,916,821
RECREATION GRANTS	300,000	25,000	325,000
TRANSFER FROM MUNICIPAL STREET AID	660,000	(3,496)	656,504
TRANSFER FROM CAPITAL ASSET RESERVE	330,129	(5,305)	324,824
NET ADJUSTMENTS		$ 263,432	

EXPENDITURES	2006/07 Budget	Additions/ (Reductions)	2006/07 Adj Budget
CITY CLERK	$ 291,330	$ (25,000)	$ 266,330
TAX ASSESSOR	273,777	(9,000)	264,777
LIBRARY	1,080,627	(19,335)	1,061,292
RECREATION	1,797,246	33,500	1,830,746
POLICE	11,619,793	(25,000)	11,594,793
CITY MANAGER	642,239	66,473	708,712
PUBLIC WORKS - ADMINISTRATION	308,485	(29,775)	278,710
FACILITIES MANAGEMENT	1,401,310	(23,300)	1,378,010
PUBLIC WORKS - ENGINEERING	312,126	11,000	323,126
CENTRAL SERVICES	768,315	(10,900)	757,415
CUSTOMER SERVICES	1,006,712	100,000	1,106,712
HUMAN RESOURCES	384,475	(19,000)	365,475
BUDGET BALANCE	2,692,698	213,769	2,906,467
NET ADJUSTMENTS		$ 263,432	

B. WATER/WASTEWATER FUND

EXPENDITURES	2006/07 Budget	Additions/ (Reductions)	2006/07 Adj Budget
WATER CONSTRUCTION	$ 569,216	$ 3,000	$ 572,216
WATER DEPARTMENT	962,106	(5,803)	956,303
WASTEWATER DEPARTMENT	835,162	(5,803)	829,359
		(8,606)	
INTRAFUND SERVICE FEES	1,173,394	8,606	1,182,000
DEBT SERVICE - WATER	922,832	(595,557)	327,275
DEBT SERVICE - WASTEWATER	660,244	(420,261)	239,983
TRANSFER TO CAPITAL ASSET RESERVE	300,000	595,557	895,557
BUDGET BALANCE - WASTEWATER	1,097,198	(428,867)	1,517,459
NET ADJUSTMENTS		$0	

C. ELECTRIC REVENUE FUND

REVENUES	2006/07 Budget	Additions/ (Reductions)	2006/07 Adj Budget
DIRECT SALES TO CUSTOMER	$83,936,440	$ (2,521,050)	$81,415,390
PURCHASE POWER ADJUSTMENT	-	2,655,400	2,655,400
NET ADJUSTMENTS		$ 134,350	

EXPENSES	2006/07 Budget	Additions/ (Reductions)	2006/07 Adj Budget
GENERATION	$ 3,963,000	$ (92,000)	$ 3,871,000
TRANSITION COSTS	-	92,000	92,000
TRANSMISSION/DISTRIBUTION	3,227,385	(56,398)	3,170,987
INTRAFUND SERVICE FEES	3,860,423	56,398	3,916,821
TRANSFER TO GREEN ENERGY	-	134,350	134,350
NET ADJUSTMENTS		$ 134,350	

D. ELECTRIC IMPROVEMENT AND EXTENSION FUND

REVENUES	2006/07 Budget	Additions/ (Reductions)	2006/07 Adj Budget
RECEIPT FROM DEPRECIATION RESERVE	3,374,792	(1,304,554)	2,070,238
NET ADJUSTMENTS		$ (1,304,554)	

EXPENSES	2006/07 Budget	Additions/ (Reductions)	2006/07 Adj Budget
TRANSMISSION AND DISTRIBUTION	$ 1,700,803	$ 295,000	$ 1,995,803
ELECTRICAL ENGINEERING	4,991,724	(1,628,513)	3,363,211
ADMINISTRATION	16,300	57,200	73,500
METER READING	60,241	(28,241)	32,000
NET ADJUSTMENTS		$ (1,304,554)	

APPROVED: APRIL 9, 2007

COUNCIL MEMBERS ANNOUNCEMENTS

Mr. Carey relayed congratulations to the USO at Dover Air Force Base for the receipt of a $400,000 grant from Home Depot so that they can revitalize, rebuild, and expand their facilities to help the men and women of the armed services.

Mr. Salters reminded citizens that the City's Election will be held on Tuesday, April 17, 2007 from 7:00 a.m. to 8:00 p.m. for the First District.

Mr. Salters announced that he, along with Mrs. Russell, are being honored on April 13, 2007 at Dover Downs. He also stated that if registration for the African American Festival is not obtained early, there will be a cost of $25 on the day of the event.

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

Meeting Adjourned at 10:02 P.M.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of April 9, 2007, are hereby approved.

STEPHEN R. SPEED
MAYOR

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Exhibits Attached to Original Minutes and File Copy
Exhibit #1 - Petition to Amend Zoning Property located at 747 North DuPont Highway, owned by 747 Associates, LLC
Exhibit #2 - Letter to the Governor and Local Legislators in Support of the Mid-Atlantic Power Pathway Transmission Project
Exhibit #3 - Letter Signed by the Mayor in Support of the Walker Woods Rehabilitation Project
Exhibit #4 - Transportation Project Prioritization List

PROCLAMATION

WHEREAS, it has now been 135 years since J. Sterling Morton proposed that a special day be set aside for the planting of trees and to recognize the importance of trees in our lives; and

WHEREAS, this holiday, called Arbor Day, is now observed throughout the nation and the world; and

WHEREAS, the City of Dover was once again named a Tree City USA in 2006 for the eighteenth consecutive year by the National Arbor Day Foundation recognizing Dover for its outstanding urban forestry program; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, reduce heating and cooling costs, moderate the temperature, clean the air, produce oxygen, and provide habitat for wildlife; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of the business area, beautify our community and are a living memorial to the citizens' concerns for the quality of life; and

WHEREAS, the City of Dover has planted hundreds of trees purchased in part through grants from the Delaware Urban and Community Forestry Advisory Council.

NOW, THEREFORE, I, STEPHEN R. SPEED, MAYOR OF THE CITY OF DOVER, do hereby proclaim April 27, 2007 as

Arbor Day

in the City of Dover, and urge all citizens to support the efforts to care for our trees and woodlands.

STEPHEN R. SPEED
Mayor

FINAL REPORT
To City Council on April 23, 2007
SEX OFFENDER LEGISLATION REVIEW COMMITTEE

CHARGE OF THE COMMITTEE

The Sex Offender Legislation Review Committee was formed by City Council on November 13, 2006 as an ad-hoc committee comprised of nine (9) members. Members were appointed by each Council member, with the chair appointed by the Council President.

The initial scope of the Committee, as outlined by City Council included:

> Researching current sex offender laws that have been adopted;
> Investigating current bills under consideration by the State Legislature that are related to sex offenders;
> Looking into the current level of enforcement of the City's sex offender laws;
> Exploring what other cities and states are doing to protect children from those who commit sexual offenses against minors; and
> Considering what measures the City of Dover can adopt to elect a standard where sexual offenses will not be tolerated.

The following members were appointed to the Committee:

> Ms. June Bell, appointed by Councilwoman Russell
> Dr. Ed Goate, appointed by Councilman Ruane
> Mr. William Hare, appointed by Councilman McGlumphy
> Ms. Emma Joiner Ingram, appointed by Councilman Salters
> Mrs. Phyllis Levitt, appointed by Councilman McGiffin
> Mrs. Shannon Mercer, appointed by Councilman Hogan
> Mrs. Lisa Ratliff, appointed by Councilman Slavin
> Mrs. Maria Shroyer, appointed by Councilman Carey
>
> Councilman Timothy A. Slavin was appointed Chair of the Committee by Council President Williams.

The Committee began its work on November 29, 2006 and concludes it work with the presentation of this report to City Council on April 23, 2007.

During the course of its deliberations, the Committee heard from many members of the community regarding the issue of sex offender management. This included representatives from the police and law enforcement community, the legal system, victims' rights and counseling community, school districts, and private business owners. A complete list of presenters appears as an appendix to this report.

DISPELLING THE MYTH

Sex offenders in our community presents one of the most challenging public policy issues the City of Dover is facing. The issue is complicated and complex, and has very few "best practices" to model a solution after. Presentations about the issue were often difficult for many members to hear; the emotions involved with the crimes associated with sex offenders could not be suppressed. Committee members deserve the thanks of the citizens of Dover for volunteering to subject themselves to this difficult issue.

There is no "silver bullet" solution to the issue of sex offenders in our community. In order to fully manage the issue and reduce the risk to our citizens, the Committee felt that improvements should be made to three areas: enforcement, notification, and education. The Committee has recommended an 18-point plan for addressing the issue which is discussed fully later in this report.

DEFINING THE PROBLEM

Most sex offenders are known to their victims. This fact can often be chilling to parents and care-givers. For the most part, sex offenders do not randomly choose their victims; typically, there is some type of relationship which has already been enabled prior to the crime being committed.

There is no known profile for a sex offender. Crime statistics show that the problem we are facing in our community knows no age, sex, race, or socio-economic boundaries.

There are differences in the levels of sex offenders in our community. Sex offenders are categorized into three tiers:

> Tier III sex offenders represents the most severe tier. Those people in this level have been convicted of crimes such as first- or second-degree rape, first-degree unlawful sexual contact, first- or second-degree unlawful sexual intercourse and unlawful sexual penetration and first- or second-degree kidnapping. Tier III sex offenders must register for the rest of their life or, if there are no convictions after 15 years, may petition a court of law to be reduced to a Tier II offender.
>
> Tier II sex offenders have been convicted of crimes such as third- or fourth-degree rape, second-degree unlawful sexual contact, third-degree unlawful sexual intercourse, third-degree unlawful sexual penetration or bestiality. Tier II sex offenders must register for 10 years unless they are a repeat offender.
>
> Tier I sex offenders are any other sex offender who have committed sex crimes not covered by Tier III and Tier II.

Currently in the City of Dover, there are 132 registered sex offenders. Of this total, 18 are Tier III, 99 are Tier II, and 15 are Tier I.

The different Tiers used to categorize sex offenders also drives the type of enforcement and notification required by the City of Dover:

> Tier III. The Dover Police Department verifies addresses and notifies schools, day care centers in the area and the Dover Public Library. In addition, DPD passes out fliers in the sex offender's neighborhood, place of employment and place of study. The DPD also verifies the Tier III sex offender's address quarterly.
>
> Tier II. The Dover Police Department verifies addresses and notifies schools, day care centers in the area and the Dover Public Library. In addition, DPD verifies the Tier II sex offender's address semi-annually.
>
> Tier I. The Dover Police Department verifies the Tier I sex offender's address annually.

Knowing where sex offenders live in a community is critical to managing this issue. The Committee applauds the efforts of the Dover Police Department in enforcing this issue. DPD's verification system far exceeds the state requirements.

Maintaining frequent contact with sex offenders is also critical to managing this issue. The rates of recidivism for sex offenders at the Tier III level have proven to be very high. However, the rates have been known to drop significantly when the sex offender is under an active management program.

FINDINGS AND RECOMMENDATIONS

The Committee recommends an 18-point plan for improving the management of sex offenders in the City of Dover. This plan includes recommendations which strengthen our activities in enforcement, notification, and education on this issue. Most of the recommendations are not specific to city government, and we recommend that partners in the community join the efforts to enact this plan.

The Committee agreed with the words of one of our presenters, Ms. Laurie Pezick who said "serious crimes have serious consequences." The most serious sex offenders need to be dealt with as serious criminals.

The Committee also agreed that the most important resource to reducing the risk presented by sex offenders in our community is the individual citizen. It is the citizen's right to know about this issue; it is also the citizen's responsibility to arm themselves with information, facts, and knowledge about sex offenders in our community.

One of the most difficult issues facing the Committee was addressing a surge in popularity of local government ordinances banning sex offenders from living within their jurisdictions. This type of legislation first appeared in 2005 and had begun to spread throughout the country in 2006 and into 2007.

The Committee addressed this type of legislation as one of its first orders of business. This type of legislation had been suggested by Mayor Speed during the City Council planning retreat in January 2006. Two other municipalities in Delaware, Bridgeville and Smyrna, were considering similar legislation at the time. (N.B. Since that time, the Town of Smyrna has decided to not pursue this type of legislation.)

The Committee was provided with copies of various articles which discussed this issue. These included: "Iowa's Residency Rules Drive Sex Offenders Underground," March 15, 2006, *New York Times*; "Zoning Laws That Bar Pedophiles Raise Concerns," November 27, 2006, *New York Times*; and "Where Will Sex Offenders Live?" *Governing Magazine*, June 2006. Each of these articles suggests that the type of "banning legislation" has proven ineffective, and has, in fact, made the problem of sex offender management worse. The unintended consequence of this type of legislation is that a higher percentage of sex offenders simply chose to not register, and law enforcement is faced with the problem of not knowing where the threat has moved to in the community.

Additionally, the Committee heard testimony from Lt. Paul Bernat of the Dover Police Department who recommended that the City not pursue this type of legislation.

Based on this discussion and the recommendation of Lt. Bernat, the Committee does not recommend that the City of Dover adopt any type of "banning" legislation.

The recommendations of the Committee are as follows:

ENFORCEMENT

1. **Sex Crimes Unit.** It is recommended that a Sex Crimes Unit be established in the Dover Police Department. This would require adding two Detectives to the Dover Police Department and implementing the unit within the Criminal Investigations section.

2. **Homeless Ordinance.** The City of Dover is encouraged to adopt a "homeless sex offender" ordinance. This ordinance would require that any sex offender registering him- or herself as homeless be required to confirm that registration on a frequent basis at the Dover Police Department.

3. **Homeless registration loophole.** It is recommended that the General Assembly address the current loophole in state law which allows sex offenders to register as homeless.

4. **Longer probation for Tier III.** It is recommended that the State of Delaware mandate that all Tier III sex offenders be placed on life time probation, or at least a significantly longer probation period.

5. **Failure to re-register.** It is recommended that the State of Delaware implement penalties for failure to re-register as a sex offender be stiffened from the current Class G Felony status.

6. **Driver's License and Registration.** It is recommended that the driver's license and vehicle registration for all sex offenders be noted on the documentation issued by the State of Delaware.

NOTIFICATION

7. **Sex Offender Registry.** It is recommended that the State of Delaware include the ability to search the Sex Offender Registry by place of employment, school, and school district.

8. **Clearer Pictures for Schools.** It is recommended that clear pictures of sex offenders be sent to schools by the Dover Police Department for placement in their notification binders. In order to improve quality of image, it is suggested that e-mail be utilized.

9. **Notify our Parks.** It is recommended that the Dover Police Department notify all city parks and the City Library for all Tier III and Tier II sex offenders in the City.

10. **Notify Bus Drivers.** It is recommended that the Dover Police Department develop a strategy to educate school bus drivers on the issue of sex offenders in the community.

11. **Private Schools.** It is recommended that all private schools in the City of Dover maintain a sex offender notification binder at their front desks, similar to those maintained by public schools. It is also recommended that the State of Delaware require private schools to maintain such notification binders.

12. **Youth Activities Volunteers.** It is recommended that all providers of activities for youth in Dover conduct background checks on employees and volunteers. It is also recommended that all educators conduct background checks.

EDUCATION

13. **Public Forum.** A public forum should be held at the conclusion of the Committee's work to review the recommendations.

14. **5-in-5 Communication Strategy.** The Committee recommends that a "5 in 5" communication strategy be adopted, utilizing five different methods of communicating important issues relative to the issues of sex offenders in our community. Such strategies might include the following:

    a. Printed copies of the report will be available, as well as posted on the City's web site.
    b. The City of Dover utility bill "stuffers" should be utilized to promulgate important information to citizens on how to become more knowledgeable about the issue of sex offenders in our community.
    c. An email subscription service should be offered by the City and used to communicate information about this issue to citizens.
    d. The Committee will ask Comcast to sponsor a short message about the Committee's work, as well as to broadcast the "Safe Side" video.
    e. The Committee will ask school districts to design and use a special "red envelope" approach to sending information home to parents when notification is warranted.

15. **Police Seminars.** The Dover Police Department should hold bi-annual public seminars on the issue of sex offenders, to include enforcement and notification.

16. **Curriculum.** The Delaware Department of Education is encouraged to develop curriculum which addresses the issue of sex offenders, and is also encouraged to require an annual awareness day on this issue in all schools in Delaware.

17. **Establish a Go Ahead and Ask Program.** The development of a "Go Ahead and Ask" program is recommended for all consumers who do business with contractors for services rendered in their home. The program encourages the consumer to ask two questions:

    a. "Have you checked the criminal background of all employees who will do work in my home?
    b. "Can I have their names in order to run my own check against the sex offenders registry?"

18. **Safe Side Videos**. The Dover Public Library is encouraged to buy multiple copies of the "Safe Side" video and make it available for borrowing by all library card holders. In addition, it is recommended that Comcast be asked to broadcast these videos as a benefit to the community.

Appendix A
List of Presenters

1. Lt. Paul Bernat, Dover Police Department

2. Ms. Polly Funk, Public Policy Director for the Sexual Assault Network of Delaware (SAND)

3. Dr. Michael D. Thomas, Superintendent of Schools - Capital School District

4. Mr. Robert Adams, Supervisor of Student Services - Capital School District

5. Ms. Robin Case, Director of Career and Technical Education and School Climate - Delaware Department of Education

6. Ms. Laurie Pezick of Probation and Parole provided a presentation on Management of Sex Offenders in the Community

7. Dr. Larry Harrison, Administrative Assistant to the Superintendent - Caesar Rodney School District

8. Mr. David Favata, Deputy Attorney General

9. Mr. Bill Sturgeon, owns and operates a local painting company

Appendix B
Glossary of Terms

Child Pornography - Any audio, visual, or written material that depicts children engaging in sexual activities or behaviors, or images that emphasize genitalia and suggest sexual interest or availability.

Incest - Sexual relations between close relatives, such as father and daughter, mother and son, sister and brother. This also includes other relatives, step children, and children of common-law marriages.

Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act - Enacted in 1994, this federal mandate requires states to establish stringent registration programs for sex offenders—including lifelong registration for offenders classified as "sexual predators" by September 1997 (see Sex Offender Registration).

Megan's Law - The first amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offenders Act. This was passed in October 1996 and requires states to allow public access to information about sex offenders in the community. This federal mandate was named after Megan Kanka, a seven-year-old girl who was raped and murdered by a twice-convicted child molester in her New Jersey neighborhood (see Community Notification).

Pedophile - An individual who turns to prepubescent children for sexual gratification. (The DSM-IV criteria for pedophilia is noted under pedophilia.) There are several typologies of pedophiles, including:

Fixated Pedophile: An individual who is sexually attracted to children and lacks psychosexual maturity.

Regressed Pedophile: Most commonly describes a sex offender who has a primary adult sexual orientation but under stress engages in sexual activities with underage persons.

Pornography - The presentation of sexually arousing material in literature, art, motion pictures, or other means of communication or expression.

Rape - Forcible sexual penetration of a child or an adult (vaginal, oral, or anal) with a penis, finger, or object. Groth (1979) proposed three types of rapists:

1. *Anger Rapist*: A sex offender whose rape behavior is motivated primarily by a desire to release anger and hostility on his/her victims. Offender's mood is one of anger and depression.
2. *Power Rapist*: A sex offender whose primary motivation for raping others is to feel powerful and exercise control over victims. Offender's mood is one of anxiety.
3. *Ritualistic-Sadistic Rapist*: A sexual offender whose primary motivation for raping is the eroticized power or anger. If power is eroticized the victim is subjected to ritualistic acts, such as bondage. If anger is eroticized, the victim is subjected to torture and sexual abuse. Offender's mood is one of intense excitement and dissociation.

Recidivism - Commission of a crime after the individual has been criminally adjudicated for a previous crime; reoffense. In the broadest context, recidivism refers to the multiple occurrence of any of the following key events in the overall criminal justice process: commission of a crime whether or not followed by arrest, charge, conviction, sentencing, or incarceration.

Appendix B - Continued
Glossary of Terms

Seemingly Unimportant Decisions (SUDs) - Decisions sex offenders make that seem to them to have little bearing on whether a lapse or relapse will occur. SUDs actually allow sex offenders to get closer to high-risk factors that increase the probability of another offense (e.g., a pedophile who decides to go holiday shopping at a mall on a Saturday afternoon or decides to go to a Walt Disney movie on a Saturday afternoon is making a Seemingly Unimportant Decision--the certain presence of children in the mall or the inevitable presence of children at the theater creates a high-risk factor that may lead to lapse or relapse).

Sex Offender - The term most commonly used to define an individual who has been charged and convicted of illegal sexual behavior.

Sex Offender Registration - Sex offender registration laws require offenders to provide their addresses, and other identifying information, to a state agency or law enforcement agency for tracking purposes with the intent of increasing community protection. In some states, only adult sex offenders are required to register. In others, both adult and juvenile sexual offenders must register (see Jacob Wetterling Act).

Sexual Abuser - The term most commonly used to described persons who engage in sexual behavior that is considered to be illegal (this term refers to individuals who may have been charged with a sex crime but have not been convicted).

Sexual Assault - Forced or manipulated unwanted sexual contact between two or more persons.

Sexual Contact - Physical or visual contact involving the genitals, language, or behaviors of a seductive or sexually provocative nature.

Sexual Predator - A highly dangerous sex offender who suffers from a mental abnormality or personality disorder that makes him/her likely to engage in a predatory sexually violent offense.

Appendix C
Report from City of Dover Police Department

THE CITY OF
DOVER POLICE DEPARTMENT

Sex Offender Management "Megan's Law"

Basic Sex Offender Information

- Only sex offenders convicted after June 27, 1994 for sex offenses specified under Delaware Law are required to register.
- Persons who have been arrested but not convicted are not required to register.
- One Deputy Attorney General classifies the sex offender by Tier.
- Sex Offender web site maintained by the Delaware State Police and State Bureau of Identification: http://www.state.de.us/dsp/sexoff/index.htm
- Web site that tracks and maps sex offenders http://www.mapsexoffenders.com/
- Web site that tracks and maps sex offenders http://www.familywatchdog.us/ShowMap.asp?frm=0

Tier III Sex Offender Registration

- Tier III - The most severe tier; those in this level have been convicted of crimes such as first- or second-degree rape, first-degree unlawful sexual contact, first- or second-degree unlawful sexual intercourse and unlawful sexual penetration and first- or second-degree kidnapping. Police are required to provide searchable records and community notification.
- Tier III Sex Offender must register for the rest of his/her life or if no convictions after 15 years he may petition to be reduced to a Tier II.
- Tier III Sex Offenders - Dover PD verifies addresses and notifies schools, daycares centers in the area and the Dover Library. In addition, DPD passes out fliers in sex offender's neighborhood, place of employment and place of study. The following information is on the fliers:
  - Sex offenders description – Name -DOB
  - Address
  - Photo
- In addition, Dover PD verifies the Tier III sex offender's address quarterly.
- There are 18 registered Tier III sex offenders residing in the City of Dover.

Tier II Sex Offender Registration

- Tier II - Sex offenders in this level have been convicted of crimes such as third- or fourth-degree rape, second-degree unlawful sexual contact, third-degree unlawful sexual intercourse, third-degree unlawful sexual penetration or bestiality. Police are required to provide searchable records.

- Tier II Sex Offender must register for 10 years unless he/she is a repeat offender.
- Tier II Sex Offenders - Dover PD verifies addresses and notifies schools, daycares centers in the area and the Dover Library. In addition, Dover PD verifies the Tier II sex offender's address semi-annually.
- There are 99 registered Tier II sex offenders residing in the City of Dover.

Tier I Sex Offender Registration

- Tier I - Any other registered sex offender is assigned to this level.
- Tier I Sex Offender - Dover PD verifies addresses.
- In addition Dover PD verifies the Tier I sex offender's address annually.
- Tier I Sex Offender must register for 10 years unless he/she is a repeat offender.
- There are 15 registered Tier I sex offenders residing in the City of Dover.

Frequently Asked Questions

1.) How many registered sex offenders are there in the City of Dover? There are 140 registered sex offenders as of March 28, 2007 in the City of Dover.

15	Tier I
99	Tier II
18	Tier III
8	Unclassified
5	Sex Offenders are registered as Homeless
57	Sex Offenders work in the City of Dover
5	Sex Offenders attend school in the City of Dover
37	Warrants obtained for Failure to Reregister as a sex offender in 2006 to March 28, 2007
10	Outstanding warrants for Failure to Reregister as a Sex Offender

2.) Is there a typical sex offender? No, sex offenders come from all walks of life and socio-economic groups. They can be male or female, rich or poor, employed or unemployed, religious or non-religious, educated or uneducated, and from any race. Not all sex offenders are child molesters.

3.) What steps should I take to protect my family and myself if an offender moves into our neighborhood? Open communication between parents and children are vital components of family safety. Children might be told in general terms that this person has hurt someone before and that children should stay away from this individual. Families can review safety tips and protective behaviors. Remember that the purpose behind community notification is to reduce the chances of future victimization of people and to avoid situations that might allow for victimization.

4.) **Can I tell neighbors, schools or others about a sex offender living in the area?** The purpose of community notification and the sex offender registry is to provide information for the protection of the public. Sharing the information is believed to make our communities a safer place to live, and is an activity that is encouraged. Taking any kind of illegal action against a sex offender is another matter that is detrimental to our communities and could lead to legal action against the perpetrator.

5.) **Will I automatically be notified if a sex offender is released into my community?** No, you can subscribe to receive email notification of sex offenders that are placed on the sex offender registry web site. You can subscribe to receive e-mail at crimeweb.net. The Dover Police Department will release sex offender information through this web site. Also, you can receive State sex offender information by creating an account with the **Delaware Information Subscription Service** http://diss.state.de.us/DWS/public.diss) web site and subscribing to the Sex Offender Notification Subscription. Be aware, however, that the Sex Offender Registry Web Site does not contain every sex offender in Delaware. Individuals who are designated as Tier I sex offenders are not placed on the Sex Offender Registry Web Site and are not subject to public notification per Delaware law.

6.) **Does the law prohibit a sex offender from living near a school, day care or playground**? 500 feet from a school, day care or playground.

7.) **Who should I contact if I know the information is incorrect regarding a sex offender of the Sex Offender Registry Web Site?** State Bureau of Identification, Sex Offender Central Registry, P.O. Box 430, Dover, Delaware 19903. Phone :(302) 739-5882. **Email: soffender@state.de.us**

8.) **What happens if a sex offender fails to register?** Under Title 11, Section 4120(k) of the Delaware Code a person who fails to register has committed a Class G Felony. This offense is punishable by up to 2 years in jail.

9.) **Is Information about all convicted sex offenders available to the public at the Sexual Offender Registry Web Site**? No, only if a court determination is made to place an individual on the Sex Offender Registry Web Site. Individuals who are designated as Tier I sex offenders are not placed on the "Public" Sex Offender Registry Web Site.

10.) **Are juvenile sex offenders placed on the Sex Offender Registry Web Site?** Yes, based on the judicial determination and nature of the offense.

Appendix C - Continued
Report from City of Dover Police Department

City of Dover
*Sex Offender *Statistical Information*

1. City of Dover Demographics 2000 Census
    a. City Population 32,135
    b. White- 55%
    c. Black- 37%
    d. Hispanic- 4%
    e. Other- 4%

2. Registered Sex Offender Race
    a. 140 Registered Sex Offenders
    b. White- 72 51% of registered sex offenders
    c. Black - 68 49% of registered sex offenders
    d. Hispanic-
    e. Other-

3. Registered Sex Offender Sex
    a. Male- 134 96% of registered sex offenders
    b. Female- 6 4% of registered sex offenders

4. Tier Breakdown of 140 Sex Offenders in Corporate City Limits of Dover
    a. Tier I- 15 11% of registered sex offenders
    b. Tier II- 99 70% of registered sex offenders
    c. Tier III- 18 13% of registered sex offenders
    d. Unclassified 8 1% of registered sex offenders

5. Homeless In City of Dover
    a. Tier I- 0 0% of registered Homeless sex offenders
    b. Tier II- 3 60% of registered Homeless sex offenders
    c. Tier III- 2 40% of registered Homeless sex offenders

6. DPD Failure To Reregister Warrants
    a. 2006-2007 37 Warrants Obtained
    b. Tier I- 5 Obtained 2 Outstanding
    c. Tier II- 18 Obtained 5 Outstanding
    d. Tier III- 11 Obtained 2 Outstanding
    d. Unclassified 3 Obtained 1 Outstanding

*Statistics are as of March 28, 2007

Dover Police Department Meghan's Law Notifications

YEAR	Sex Offender Notifications	% Increase
2000	19	UNK
2001	39	105%
2002	34	-13%
2003	60	76%
2004	94	57%
2005	157	67%
2006	401	155%
*2007	90	

As of 03/28/07

City of Dover Sex Offenders Victim Age Break Down

1. Tier I
   - 1-11 Years of Age 1 Victims 7%
   - 12-15 Years of Age 7 Victims 46%
   - 12-17 Years of Age 1 Victim 7%
   - 16-17 Years of Age 3 Victims 20%
   - 18 + Years of Age 1 Victim 7%
   - Unknown 2 Victims 13%

2. Tier II
   - 1-11 Years of Age 13 Victims 13%
   - 1-15 Years of Age 3 Victims 3%
   - 2-15 Years of Age 2 Victims 2%
   - 1-18 Years of Age 1 Victim 1%
   - 12-15 Years of Age 46 Victims 47%
   - 16-17 Years of Age 6 Victims 6%
   - 18 + Years of Age 9 Victim 9%
   - Unknown 19 Victims 19%

3. Tier III
    - 1-11 Years of Age 7 Victims 39%
    - 12-15 Years of Age 6 Victims 33%
    - 18 + Years of Age 2 Victims 11%
    - Unknown 3 Victims 17%

4. Unclassified
    - 1-11 Years of Age 1Victims 12.5%
    - 12-15 Years of Age 2 Victims 25%
    - 18 + Years of Age 1 Victim 12.5%
    - Unknown 4 Victims 50%

5. All Sex Offenders
    - 1-11 Years of Age 22 Victims 16%
    - 1-15 Years of Age 4 Victims 3%
    - 2-15 Years of Age 2 Victims 1%
    - 1-18+ Years of Age 1 Victims 1%
    - 12-15 Years of Age 59 Victims 42%
    - 12-17 Years of Age 2 Victim 1%
    - 16-17 Years of Age 9 Victims 6%
    - 18 + Years of Age 13 Victims 9%
    - Unknown 28 Victims 20%

City of Dover Sex Offenders Repeat Offenders Break Down

16 Repeat Offenders

Tier I	1	6%
Tier II	12	75%
Tier III	2	13%
Unknown	1	6%

Appendix C - Continued
Report from City of Dover Police Department

City of Dover Sex Offenders That Failure to Reregister Court Dispositions Break Down

The below court dispositions are from the 2006 to March 28, 2007 37-arrests for Failure to Reregister as a sex offender.

	Disposition
1	Nolle Pros
2	Deceased
3	Pending
4	Pending
5	2 years suspended to 1 years probation
6	At Large
7	At Large
8	At Large
9	2 years suspended
10	At Large
11	At Large
12	Pending
13	At Large
14	Nolle Pros
15	2 years suspended to 1 years probation
16	Nolle Pros
17	At Large
18	Lv 2 for 1 year
19	Pending
20	Nolle Pros
21	At Large
22	2 years suspended conf for 6 months Intense Supv 1 year partial conf
23	2 years suspended to 1 years probation
24	2 years suspended to 1 years probation
25	Nolle Pros
26	Nolle Pros

27	**Pending**
28	**2 years suspended to 1 year Intense Supv**
29	**Guilty unknown sentence**
30	**Guilty unknown sentence**
31	**2 years suspended to 1 year intens supv**
32	**2 years suspended intense supv 1 year**
33	**At Large**
34	**At Large**
35	**2 years suspended to 1 years probation**
36	**2 years suspended to 1 years probation**
37	**Pending**

Sex Offender Current Issues

1. **Registering as Homeless**
   - If you register as a homeless person, you ***do not*** have to reregister annually.
   - No one knows where they are living.
   - There is no means of contacting the homeless sex offender.

2. **Out of State Sex Offenders**
   - If not on Probation or Parole, there is no record unless the sex offender registers.
   - If the sex offender is on Probation or Parole, then their Probation or Parole Officer will notify SBI.

3. **State verification process**
   - Currently residence verification for a sex offender that is not on probation or parole is sent a letter that requires a signature and to be returned. This is conducted every 90 days for Tier III sex offenders and on an annual basis for Tier II and Tier I sex offenders.
   - If a sex offender is on probation or parole their probation or parole officer may check on them at their stated residence.

4. **Classifying Sex Offenders**
   - Currently one Deputy Attorney General classifies the sex offenders for the entire State of Delaware.
   - There are unclassified sex offenders that do not have a Tier set. Therefore, there is a lack of community notification.

Appendix D
List of Frequently Asked Questions About Sex Offenders

1. **What is a sex offender?** A sex offender is a person who has been ***convicted*** of an illegal sexual act.

2. **What is a pedophile?** A subject with a psychosexual disorder in which an adult's arousal and sexual gratification occur primarily through sexual contact with prepubescent children.

3. **What is a predator?** A person seen as obtaining or trying to obtain sexual contact with another person in a metaphorically predatory manner. Analogous to how a predator hunts down its prey, so the sexual predator is thought to "hunt" for his or her sex partners. People who commit sex crimes, such as rape or child sexual abuse, are commonly referred to as sexual predators.

4. **Is there a stereo-typical sex offender?** There is no stereo-typical sex offender. Sex offenders come from all walks of life. Most sex offenses (80-95%) are committed by someone the victim knows.

5. **What are the "Tiers" of sex offenders?**

   Tier III - The most severe tier; those in this level have been convicted of crimes such as first- or second-degree rape, first-degree unlawful sexual contact, first- or second-degree unlawful sexual intercourse and unlawful sexual penetration and first- or second-degree kidnapping. Police are required to provide searchable records and community notification.

   Tier II - Sex offenders in this level have been convicted of crimes such as third- or fourth-degree rape, second-degree unlawful sexual contact, third-degree unlawful sexual intercourse, third-degree unlawful sexual penetration or bestiality. Police are required to provide searchable records.

   Tier I - Any other registered sex offender is assigned to this level.

6. **How many sex offenders are in the City of Dover?** That number fluctuates as sex offenders move in and out of the City. The City has 165 at present.

7. **Why do the police sometimes notify people door-to-door about a sex offender in their neighborhood and other times they don't?** Tier III sex offender notifications are done door-to-door in the surrounding neighborhood. Daycares and schools are also notified. Tier II sex offender notifications are just to the daycares and schools. Tier I sex offender notifications are just to the Police Department.

8. **What does Dover Police Department do about current sex offenders?** The Dover Police Department verifies the address of new sex offenders in Dover. They also do systematic checks to ensure sex offenders are complying with their registry requirements. Tier I offenders are checked annually, Tier II offenders are checked bi-annually, Tier III offenders are checked quarterly. The Dover Police Department will obtain warrants and search for any offender who is found to be noncompliant.

Appendix D - Continued
Frequently Asked Question About Sex Offenders

9. **Is there a list of sex offenders that I can Search?** With access to the internet site you can access the State of Delaware Sex Offender Registry site and view the all Tier II and Tier III sex offenders in Delaware. The internet address to the State of Delaware Sex Offender Registry site is http://sexoffender.dsp.delaware.gov/ . This site gives you several different options to search by, for instance you can search by name, zip code, street or neighborhood.

10. **Do sex offenders often commit repeat crimes?** Data shows that recidivism rates average between 14-20 % over a five year period for Sex Offenders over all. Studies show pedophiles that molest boys and rapist of adult women recidivate at rates of 52% and 39% respectively. Sex Offenders who comply with probation and treatment have lower recidivism rates. Studies show effective treatment reduces recidivism by 40%. Sex Offenders that are actively on probation have a recidivism rate of 1%.

11. **What are sex offenders required to do each year with the police?** Tier I and Tier II sex offenders are mailed a letter to their registered address by the State Bureau of Identification (SBI) annually, Tier III letters are sent quarterly. They are then required to respond to the letter. If SBI does receive the response letter they will notify the appropriate police agency to conduct an investigation. The police will then verify if the sex offender is or is not living at the registered address. If they are not and have failed to reregister their address in seven days a warrant for their arrest will be obtained.

12. **What steps should I take to protect my family and myself if a sex offender moves into our neighborhood?** Open communication between parents and children are vital components of family safety. Children might be told in general terms that this person has hurt someone before and that children should stay away from this individual. Families can review safety tips and protective behaviors. Remember that the purpose behind community notification is to reduce the chances of future victimization of people and to avoid situations that might allow for victimization. There is no way to protect yourself in all possible situations. These tips are intended to reduce, not eliminate, the risk of assault. Information and education are your best defense. Remember that most sexual assaults are committed by someone the victim knows.

13. **Can I tell neighbors, schools or others about a sex offender living in the area?** The purpose of community notification and the sex offender registry is to provide information for the protection of the public. Sharing the information is believed to make our communities a safer place to live, and is an activity that is encouraged. Taking any kind of illegal action against a sex offender is another matter that is detrimental to our communities and could lead to legal action against the perpetrator.

14. **What if a sex offender lives near my child's school?** Most registered sex offenders can live near a school. Sex offenders who have been convicted of a sexual offense where the victim's age is fewer than 16 years of age, may not live within 500 feet of a school. The police, when verifying the sex offender's address, will ensure that the sex offender is not in violation of that law. Again your child might be told in general terms that this person has hurt someone before and that children should stay away from this individual. Families can review safety tips and protective behaviors.

Appendix D - Continued
Frequently Asked Question About Sex Offenders

15. **Is there anyone who can talk to our neighborhood about this issue?** Yes, with advanced notice an Officer from the Dover Police Department Community Policing Unit can speak with your community organization. If you would wish to arrange an Officer to speak at a meeting contact MCpl. Chad Bernat at (302)736-7122 ext# 7826.

16. **How can I be sure that youth activity volunteers or subjects hired to do work at my house are not sex offenders?** Most organization run criminal history checks on employees with children in their care and will not hire sex offenders for that position. Ask the organization if any sex offenders are employed by them. Sex offenders are required to register their place of employment. Ask for Identification on the subjects working at your house and check them against the sex offender registry. Try to be present at the house as much as possible. Criminal history and sex offender registry checks do not entirely mean that the subject(s) is not a sex offender. Only known convicted sex offenders are registered. Again educating your child and having open communications are necessary.

17. **Do I have the right to know where sex offenders live and work?** All Tier II and Tier III sex offenders are required to register where they live, work and go to school. This information is placed on a public web site for the purpose of informing the public.

18. **What is the best thing I can do?** Information and education are your best defense.

Appendix E
List of On-line Resources

Delaware sex offender registry
www.state.de.us/dsp/sexoff

Sign up to receive emails from law enforcement when sex offenders move into your area www.crimeweb.net

Find a map of sex offenders in your location
http://mapsexoffenders.com

National Center for Missing and Exploited Children
www.missingkids.com

The Safe Side video and resources
www.thesafeside.org

CERTIFICATE OF APPRECIATION

WHEREAS, the Sex Offender Legislation Review Committee was formed by the Mayor and Council by Resolution adopted September 11, 2006; and

WHEREAS, the initial scope of the Committee was to research current sex offender laws, investigate current legislation under consideration by the State that are related to sex offenders, look into the current level of enforcement of the City's sex offender laws, explore what other cities and states are doing to protect children for those who commit sexual offenses against minors, and consider what measures the City can adopt to elicit a standard where sexual offenses will not be tolerated; and

WHEREAS, members of the Sex Offender Legislation Review Committee have worked tirelessly in researching all issues involved in order to develop recommendations that are objective and have been thoroughly considered to help all the citizens of Dover protect children of all ages against sexual predators; and

WHEREAS, as a result of their efforts, the Sex Offender Legislation Review Committee has submitted their Final Report and Recommendations to City Council on April 23, 2007, and thus, is hereby dissolved with heartfelt gratitude given to all members for their initiative, persistence, resourcefulness, and determination. With special recognition for their dedication, it is deemed an honor and privilege to present this

Certificate of Appreciation to

June Bell
Ed Goate
William Hare
Emma Joiner Ingram
Phyllis Levitt
Shannon Mercer
Lisa Ratliff
Maria Shroyer
Timothy A. Slavin (Chairman)

CITY OF DOVER
SEX OFFENDER LEGISLATION REVIEW COMMITTEE

Best Wishes on all Future Endeavors from the City of Dover
April 2007

STEPHEN R. SPEED
MAYOR

BEVERLY C. WILLIAMS
COUNCIL PRESIDENT

PREPARED BY:
City of Dover
PO Box 475
Dover, DE 19903-0475

TAX MAP PARCEL NO.
ED-00-086.00-01-03.00/000
ED-00-086.00-01-04.00/000
ED-00-086.00-01-16.01/000

MAYOR AND COUNCIL

A RESOLUTION APPROVING THE INCLUSION OF AN AREA WITHIN THE LIMITS OF THE CITY OF DOVER.

WHEREAS, the Charter of the City of Dover authorizes Council to extend the boundaries of the said City after a special election of the qualified voters and real estate owners of the territory proposed to be annexed, and

WHEREAS, the Mayor and Council of the City of Dover deem it in the best interest of the City of Dover to include an area contiguous to the present City limits, and hereinafter more particularly described within the limits of the City of Dover, and

WHEREAS, the Charter of the City of Dover provides that if a majority of the Votes cast in an election held in a territory proposed to be annexed shall be in favor of inclusion of that territory within the limits of the City of Dover, the Council may thereupon adopt a resolution annexing said territory and including same within the limits of the City of Dover.

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

1. That the following described area, situated in East Dover Hundred, Kent County, State of Delaware, shall be annexed to and included within the limits of the City of Dover:

> All those lots, pieces or parcels of land situate in East Dover Hundred, Kent County Delaware, being located on the westerly side of U.S. Route 113 and the easterly side of Delaware Route 1 and being shown as Lot A (tax parcel # ED-00-086.00-01-16.01-000), Lot B (tax parcel # ED-00-086.00-01-04.00-000) and Lot C (tax parcel # ED-00-086.00-01-03.00-000) on a plat entitled: "Annexation Plan For Stillman Glade Associates, LLC"; said plat prepared by Larson Engineering, Inc. and dated January 26, 2007; and all three lots being separately and more particularly described as follows:
>
> **Lot A**
> Beginning for the same at an iron pipe found on the northerly side of U.S. Route 113 on the right of way/denied access line of State Route 1 (see Delaware Department Of Transportation Plans - contract # 88-110-02, Part B; sheets 6 and 7); said point being situate a distance of 515.69 feet measured perpendicularly in an eastward direction from Station 116+38.43 of the baseline labeled as "CL Proposed S.R.1" on the said plans; and said point further being the southeasterly corner of the herein described Lot A as shown on a plan entitled: "Annexation Plan For Stillman Glade Associates, LLC" prepared by Larson Engineering Associates, Inc. and dated 1/26/07.

Thence leaving said beginning point so fixed and binding on the State Route 1 right of way/denied access line the six following courses and distances:

1. South 64°54'06" West, a distance of 194.56 feet to an iron pipe found, thence;
2. North 69°59'30" West, a distance of 114.98 feet to a concrete monument found, thence;
3. North 27°50'06" West, a distance of 154.02 feet to a concrete monument found, thence;
4. North 01°43'39" East, a distance of 233.19 feet to a concrete monument found, thence;
5. North 13°40'17" East, a distance of 306.30 feet to a concrete monument found; and thence:
6. North 68°23'57" East, a distance of 27.68 feet to a point located on the westerly right of way line of U.S. Route 113 as shown on the above referenced Delaware Department Of Transportation plans.

Thence leaving the right of way/denied access line of State Route 1 and binding on the U.S. Route 113 right of way line:

7. South 21°36'00" East, a distance of 369.00 feet to the northeastern corner of Lot C as shown on the above referenced Annexation Plan.

Thence leaving the U.S. Route 113 right of way and binding on the northern and western outline of Lot C the two following courses and distances:

8. South 68°24'00" West, a distance of 165.11 feet to a point, and thence:
9. South 21°36'00" East, a distance of 64.93 feet to a point located at the northwestern corner of Lot B.

Thence leaving Lot C and binding on the westerly and southerly outlines of Lot B the two following courses and distances:

10. Continuing on the same course; South 21°36'00" East, a distance of 130.00 feet to a point; and thence:

11. North 69°02'40" East, a distance of 165.12 feet to a point located on the westerly right of way line of U.S. Route 113at the beginning of the above referenced right of way/denied access line of State Route 1; said point being situate a distance of 473.00 feet measured perpendicularly in an eastward direction from Station 117+75.98 of the above referenced State Route 1 baseline.

Thence binding on the said right of way/denied access line:

12. South 21°35'59" East, a distance 116.00 feet to the first mentioned point and place of beginning.

Containing within said metes and bounds 2.560 acres of land more or less.

Subject to the condition that there shall be no right, privilege, permission or direct access to or from the premises hereby described along the lines which are specified as "Denial Of Access" lines on the above referenced Delaware Route One plans and as stated in a deed recorded July 28, 1998 in the Office of the Recorder of Deeds in and for Kent County, Delaware in deed book 270, page 331.

Lot B

Beginning for the same a point located on the western right of way line of U.S. Route 113 at the intersection of the division line between the herein described Lot B and the southerly adjacent Lot A; said point further being located at the beginning of the above referenced right of way/denied access line of State Route as described in course #11 of the above described Lot A.

Thence leaving said beginning point so fixed and binding on the outline of Lot A the two following courses and distances:

1. South 69°02'40" West, a distance of 165.12 feet to t point, and thence:
2. North 21°36'00" West, a distance of 130.00 feet to the southwestern corner of the northerly adjacent Lot C.

Thence leaving Lot A and binding on the southern outline of Lot C:

3. North 68°24'00" East, a distance of 165.11 feet to the above referenced western right of way line of U.S. Route 113.

Thence leaving Lot C and binding on the western right of way line of U.S. Route 113:

4. South 21°36'00" East, a distance of 131.86 feet to the first mentioned point and place of beginning.

Containing within said metes and bounds 0.490 acres of land more or less.

Subject to an easement agreement with the City of Dover recorded November 4,1990 in the Office of the Recorder of Deeds, in and for Kent County, Delaware, in deed book C, volume 49, page 87 and being more particularly described as follows:

Said easement being contained in it's entirety within the bounds of the above described Lot B; being a continuous 10 feet in width and running adjacent and parallel to the southerly boundary line of said Lot B; as shown on the above referenced Annexation Plan of which this description in based upon.

Lot C

Beginning for the same at a point located on the western right of way line of U.S. Route 113 at the intersection of the division line between the herein described Lot C and the southerly adjacent Lot B.

Thence leaving said beginning so fixed and binding on the northerly outline of Lot B:

1. South 68°24'00" West, a distance of 165.11 feet to the outline of the westerly adjacent Lot A.

Thence leaving Lot B and binding on the outline of Lot A the two following courses and distances:

2. North 21°36'00" West, a distance of 64.93 feet to a point; and thence:
3. North 68°24'00" East, a distance of 165.11 feet to the above referenced western right of way line of U.S. Route 113.

Thence leaving Lot A and binding on the western right of way line of U.S. Route 113:

4. South 21°36'00" East, a distance of 64.93 feet to the first mentioned point of beginning.

Containing within said metes and bounds 0.246 acres of land more or less.

2. The above described property shall be annexed into the City of Dover with a zoning classification as set by City Council and in accordance with the zoning map and environs, then in force, effective upon such lands being included within the limits of the City of Dover.

3. That the certified copy of the resolution of annexation, together with a plot of the area annexed, shall be filed for record with the Recorder of Deeds of Kent County.

4. That the effective date of this resolution shall be the 24th day of April, 2007 at 12:01 a.m. o'clock.

ADOPTED: *

S:\ClerksOffice\Annexations\Annex-2007\US 113 - W Side across from Lafferty Ln\Approval Resolution for Packets.wpd

STEPHEN R. SPEED
MAYOR

BEVERLY C. WILLIAMS
COUNCIL PRESIDENT

PETITION TO ANNEX AND ZONE PROPERTY

Before the Dover City Council
April 23, 2007

Applicant:	Stillman Glade Associates, Inc. 30 The Green Dover, DE 19901
Owner:	David Harer 1106 Bay Road Dover, DE 19901 Ryan Lloyd 1080 South Bay Road Dover, DE 19901 The Island Farm 16793 Island Farm Lane Milton, DE 19968
Location:	US 113, Across from Lafferty Lane, South of Dover
Size:	+/-3.3 acres
Tax Parcel #:	ED-00-086.00-01-16.01-000, ED-00-086.00-01-04.00-000 and ED-00-086.00-01-03.00-000.
Application Date:	January 23, 2007
County Zoning:	BN (Neighborhood Business), RS-1 (Single Family Residence)
Proposed Zoning:	C-4 (Highway Commercial) AEOZ (Airport Environs Overlay Zone) – Noise Zone 'C'
Present Use:	Residential dwelling
Proposed Use:	Hotel and Restaurant
Comprehensive Plan Designation:	Category 2 – Lands Desirable for Annexation
Cost-Rev Analysis:	The Cost-Revenue analysis showed a positive cash flow to the City of approximately $56,805 over ten years.
File Number:	AX-07-02
**NOTE:	These properties are located within AEOZ Noise Zone 'C'. The proposed

use of a Hotel is **not a permitted use** under Article 3 §22.6 of the *Zoning Ordinance.* The Cost-Revenue analysis is based upon data provided by the applicant and is calculated as if the property will be used in the manner of a Hotel.

Following a public hearing before the Planning Commission on March 19, 2007, the Planning Commission unanimously voted to recommend approval of the annexation and the requested C-4 zoning, noting that the property would be subject to the requirements of the Airport Environs Overlay Zone (AEOZ).

Surrounding Land Uses:

The parcels being considered are bounded to the west by Delaware Route 1 and to the east by U.S. Highway 113, at the terminus of Lafferty Lane, just south of the Puncheon Run Connector. The lands directly across Route 113, within the City of Dover are zoned C-4 (Highway Commercial) and MHP (Mobile Home Park Residential).

The parcels are subject to the AEOZ (Airport Environs Overlay Zone), Noise Zone C. Hotels are prohibited in this zone.

Comprehensive Plan:

The Annexation and Growth Map contained within the current certified Comprehensive Plan designates this land as Category #2 – Lands Desirable for Annexation, and designates the land for Commercial Use.

Recommendation of the Planning Staff:

Because this is a Category 2 designated area in the Comprehensive Plan, and because the zoning requested is in accordance with the uses prescribed in the Comprehensive Plan staff recommends approval.

The staff recommendation was made prior to public hearing. Following a public hearing on March 19, 2007, during which no member of the public spoke in support or in opposition, the Planning Commission unanimously recommended approval of the annexation and the requested C-4 zoning.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: MARCH 1, 2007

CITY OF DOVER

PUBLIC UTILITIES

DEPARTMENT

APPLICATION: **LANDS OF ISLAND FARM, INC., HARER AND LLOYD: WEST SIDE OF BAY ROAD**

FILE #: **AX-07-02**

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

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

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

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

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

CITY AND STATE CODE REQUIREMENTS:

1. Our office has no objection to the annexation of tax parcels ED-00-086.00-01-16.01-000 and ED-00-86.00-01-03.00-000.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1. None.

ADVISORY COMMENTS TO THE APPLICANT:

1. The Electric Division reviewed the application for annexation. The property is currently within the City of Dover Electric service territory.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: March 1, 2007

D E L D O T

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APPLICATION: Lands of Island Farm,Inc., Harer, and Lloyd

FILE#: AX-07-02 REVIEWING AGENCY: DelDOT

CONTACT PERSON: Richard A. Woodhall PHONE#: 760-2262

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

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

CITY & STATE CODE REQUIREMENTS:

NO COMMENT ON THE ANNEXATION

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
D.A.C. MEETING DATE: March 1, 2007

KENT CONSERVATION DISTRICT

APPLICATION: *Lands of Island Farm Inc.*

FILE #: AX-07-02 **REVIEWING AGENCY:** *Kent Conservation District*

CONTACT PERSON: *David C. Cahill* **PHONE #:** *741-2600 ext.3*

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE. THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS:

1. *Kent Conservation District has no objection to annexation of the above referenced site.*

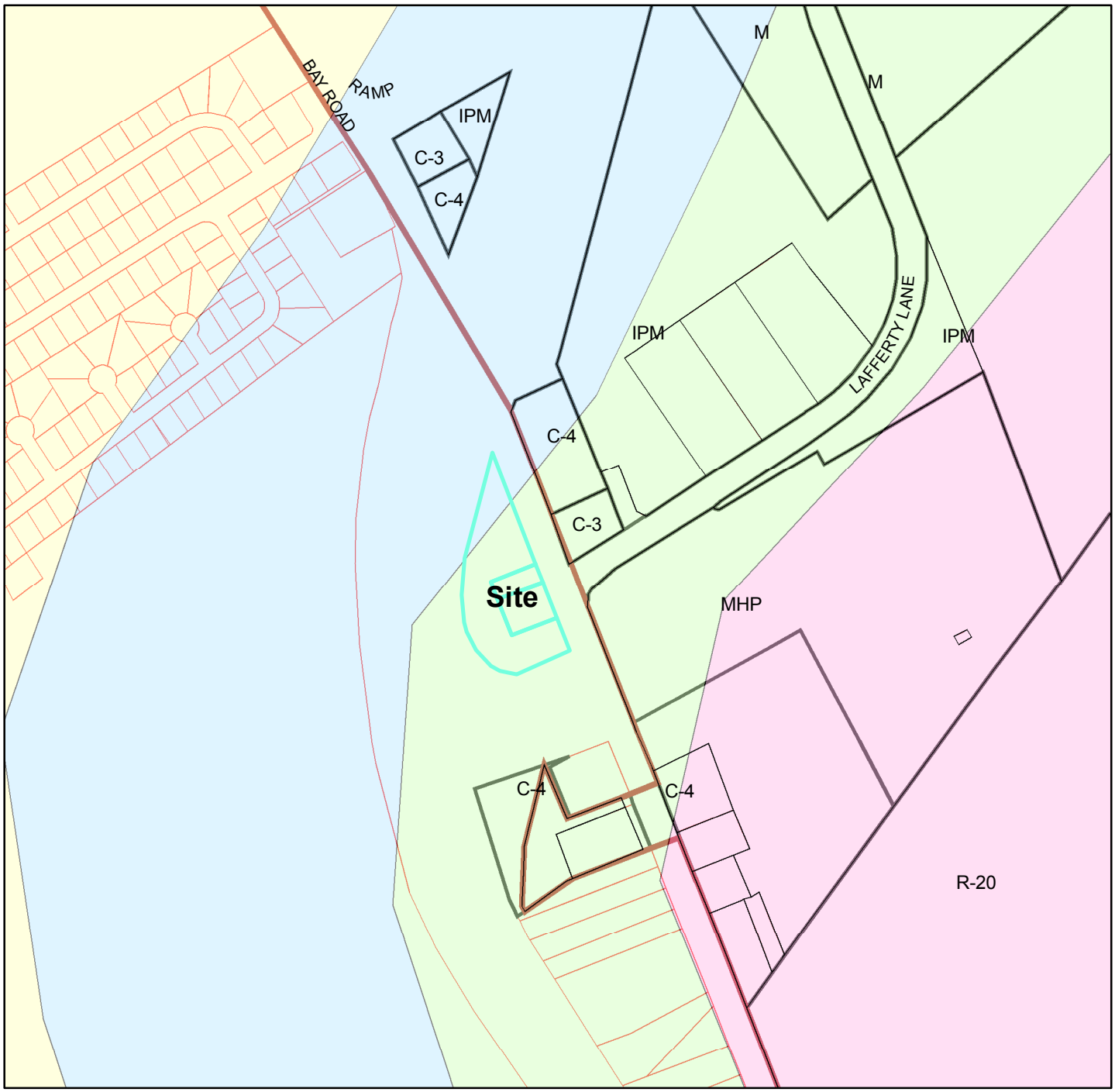
ADVISORY COMMENTS TO THE APPLICANT:
The Following comments are advisory and apply to the development of a detailed site plan for this project.

- *A detailed Sediment and Stormwater Management Plan must be approved by our office prior to any land disturbing activity (i.e. clearing, grading, filling, etc.) over 5000 square feet.*

City of Dover

Department of Planning & Inspections

Application No.: AX-07-02



Plan Title: Lands of Island Farms Inc., Harer and Lloyd: west side of Bay Road
Plan Type: Annexation
Tax Parcels: ED-00-086.00-01-16.01-000, ED-00-086.00-01-04.00-000 and ED-00-086.00-01-03.00-000
Site Area: 3.3ac
Owners: Island Farm Inc, David Harer and Ryan Lloyd
Kent County Zoning: BN
Proposed Zoning: C-4, AEOZ
Date: 3-5-07

0 250 500 1,000 Feet

Legend

- Dover Parcels
- Dover Boundary
- Zoning
- Kent County Parcels
- Noise Zone A
- Noise Zone B
- Noise Zone C
- Noise Zone D

FINAL READING

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTIES LOCATED ON THE WEST SIDE OF BAY ROAD AT THE INTERSECTION WITH LAFFERTY LANE

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

WHEREAS, it is deemed in the best interest of zoning and planning to change the permitted use of property described below from RS-1 - Single Family Residence and BN - Neighborhood Business (Kent County zoning classifications) to C-4 - Highway Commercial, subject to the AEOZ - Airport Environs Overlay Zone (City of Dover zoning classification).

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

1. That from and after the passage and approval of this ordinance the Zoning Map and Zoning Ordinance of the City of Dover has been amended by changing the zoning designation from RS-1 and BN (Kent County zoning classification) to C-4 (City of Dover zoning classification) on those properties located on the west side of Bay Road at the intersection with Lafferty Lane, containing $3.30^{+/-}$ acres, owned by Island Farm, Inc., David K. Harer, and Ryan W. Lloyd. The equitable owner is Stillman Glade Associates, Inc.

ADOPTED: *

S:\ClerksOffice\Annexations\Annex-2007\US 113 - W Side across from Lafferty Ln\Rezoning Ordinance-Final Reading.wpd

REVISED April 19, 2007

PETITION TO AMEND COMPREHENSIVE PLAN AND ZONING DISTRICT
Before the Dover City Council
April 9, 2007

Applicants/Owners:	Blue Hen CC, LLC 234 N. James Street Newport, DE 19804
Location:	South Bay Road, behind the Blue Hen Corporate Center
Property Addresses:	S. Little Creek Road Dover, DE 19901
Tax Parcel ID #:	ED-05-077.00-01-01.00-000 & ED-05-077.00-01-19.09-000
Size:	23.35 ± acres
Present Use:	Vacant lot
Proposed Use:	Medium Density Residential
Comprehensive Plan Designation:	Commercial
Proposed Comprehensive Plan Designation:	Residential Medium Density
Present Zoning:	SC-3 (Shopping Center Development)
Proposed Zoning:	RM-2 (Medium Density Residence Zone)
File Number:	Z-07-03

Following a public hearing before the Planning Commission on March 19, 2007, the Planning Commission voted to recommend in favor of the Comprehensive Plan amendment from Commercial to Residential Medium Density (unanimous vote) and the associated rezoning from SC-3 to RM-2 (six voting in favor, two voting in opposition).

After City Council voted to table the application due to confusion over the validity of the petition submitted by Schoolview residents, another petition was received by the City. The analysis revealed that the petition comprised signatures from 32.86% of the surrounding land area, as specified in Delaware Code, Title 22, Chapter 3. Therefore, the rezoning application requires a ¾ vote of City Council to approve.

This is an application to amend the Land Development Plan map of the Comprehensive Plan and the zoning of the subject parcels. This amendment is being requested by DE Exchange, LLC and Blue Hen CC, LLC. The subject parcels are currently zoned SC-3 (Shopping Center Development) and are depicted on the Land Development Plan map as Commercial. The applicant is requesting RM-2 (Medium Density Residence Zone) zoning.

The requested plan amendment would change the land use category from Commercial to Residential Medium Density.

Existing Property
The subject parcel is currently a vacant lot at the rear of the Blue Hen Corporate Center. It is located almost entirely within and is subject to the AEOZ (Airport Environs Overlay Zone), Noise Zone A, which permits residential uses. The parcel currently has no direct access to a public street. It accesses public streets through other parcels of the Blue Hen Corporate Center. Street dedication will be required if the property is developed.

Surrounding Land Uses:
The land northeast of the subject parcel, the neighborhood of Schoolview, is zoned R-8 (One Family Residence Zone). The property to the southwest of the parcel is the remainder of the Blue Hen Corporate Center lands, zoned SC-3 (Shopping Center Development). The adjacent parcel to the northwest is also part of the Blue Hen Corporate Center, zoned SC-3 (Shopping Center Development) and is currently a day care center. The land to the southeast is the Stover Professional Campus, zoned IPM (Industrial Park Manufacturing Zone).

Comprehensive Plan:
In the *2003 Comprehensive Plan Update*, as amended in May 2005 and September 2006, the Land Development Plan recommends that this property be used for Commercial uses. The applicant is requesting a change in the Comprehensive Plan to allow for Residential Medium Density uses.

Request for RM-2 (Medium Density Residence Zone)
The types of permitted uses in the RM-2 (Medium Density Residence Zone) are outlined in Article 3 §7.

> 7.1*Uses permitted.* In an RM-2 zone, 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 purposes, except the following:
>
> (a) Any use permitted in one-family residence zones;
> (b) One-family lot-line dwellings, not to exceed one such dwelling per lot;
> (c) Duplex dwellings;
> (d) Multiplex dwellings;
> (e) Townhouses;
> (f) Roominghouses accommodating not more than five roomers.
> (g) Garden apartments.

Recommendation of the Planning Staff:

The rezoning requested requires a change in the Land Development Plan map of the *2003 Comprehensive Plan Update*. This entails changing the land use category classification from Commercial to Residential Medium Density.

In 2005, when the City amended the *2003 Comprehensive Plan Update* and completed the Comprehensive Rezoning, staff initially proposed changing the land use designation as the applicant is currently requesting, as well as changing the zoning to RM-2 (Medium Density Residence Zone). The property owner at that time did not support the amendment, so the final staff recommendation was to maintain the current land use designation and zoning. The Planning Commission and City Council accepted the staff recommendation to maintain the current zoning.

The property has since been purchased by Blue Hen CC, LLC, the applicant, who is requesting that this parcel be rezoned to RM-2 (Medium Density Residence). The proposed Comprehensive Plan amendment and rezoning would create an opportunity for infill residential development that would provide a transition between the more intense SC-3 (Shopping Center Development) zoning and the neighboring Schoolview neighborhood. This would be a down-zoning that would lessen the intensity of permitted uses adjacent to the Schoolview neighborhood from a range of commercial and office uses to residential uses. Additionally, the proposed medium density residential development would allow for homes located near employment locations, such as the Blue Hen Corporate Center and Kent County Administration Building, as well as near a neighborhood school and transit.

Staff supports the request for a Comprehensive Plan amendment (from Commercial to Residential Medium Density). Additionally, staff supports the request for RM-2 (Medium Density Residence Zone) zoning in this location. Staff recommends that the Planning Commission forward a recommendation to City Council to approve the request for the Comprehensive Plan amendment and to approve the rezoning of the property to RM-2 (Medium Density Residence Zone).

The staff recommendation was made prior to the public hearing before the Planning Commission. Following the public hearing on March 19, 2007, the Planning Commission recommended in favor of the requested Comprehensive Plan amendment and the requested rezoning. The excerpt of the ***draft*** minutes from the public hearing from the Planning Commission is below:

Z-07-03 Lands of DE Exchange LLC at the Blue Hen Corporate Center: Land Development Plan Amendment, Land Use Type: Commercial to Residential Medium Density - Public Hearing and Recommendation to City Council for an application for a Land Development Plan Amendment to the Comprehensive Plan Update 2003 as amended May 2005 & September 2006 to change the land use type for specific parcels of land. The area located east of South Bay Road and east of the Blue Hen Corporate Center building is comprised of a total of a two parcels. The land use type is designated currently as Commercial on Map 11-1. The applicant has proposed to rezone the property to a zoning classification that is identified as inconsistent with Map 11-1. The requested amendment is a change to the land use type to Residential Medium Density, for the subject area. *This application was postponed from the February 20, 2007 meeting at the request of the applicant.*

Rezoning Application: Public Hearing and Recommendation to City Council on a rezoning application involving two parcels of land consisting of 2.69 acres and 20.66 acres for a total of 23.35 acres ±. The subject area is currently zoned SC-3 (Regional Shopping Center Development Zone). The proposed zoning is RM-2 (Residential Medium Density Zone) and the property will be subject to the AEOZ (Airport Environs Overlay Zone). The owner of record is DE Exchange, LLC. The equitable owner is Pettinaro Construction Company, Inc. / Blue Hen CC, LLC. Tax Parcels: ED-05-077.00-01-01.00-000 and ED-05-077.00-01-19.09-000.

Representatives: Mr. Gregg Moore, Becker Morgan Group, Inc.; Mr. Mark Dunkle, Attorney for Parkowski, Guerke and Swayze; Mr. Greg Pettinaro, Owner.

Mrs. Townshend stated that the Pettinaro Company has purchased the Blue Hen Mall and there is a portion of the site in the rear behind the mall and the Schoolview Development that is zoned SC-3 that has remained undeveloped. The applicant is requesting a Comprehensive Plan Amendment to change the Land Use Classification from commercial to residential medium density and the zoning from SC-3 (Shopping Center Development) to RM-2 (Medium Density Residence Zone.

Mrs. Townshend further stated that it is located almost entirely in the Airport Environs Overlay Zone under Noise Zone A which does permit residential uses. It will be subject to the requirements of the Airport Environs Overlay Zone and would be regardless of the zoning classification. It currently has no direct access to a public street. It has access to a public street through other parcels within the Blue Hen Corporate center; however, the Blue Hen Corporate Center is entirely under the applicants control to take care of these issues.

Mrs. Townshend further stated that to the northeast of the parcel is the neighborhood of Schoolview which is zoned R-8. We have a number of residents here from the Schoolview community this evening and you have received a petition from those Residents of Schoolview on this matter. The property to the southwest is the remainder of the Blue Hen Corporate Center lands and to the northwest is also Blue Hen Corporate Center land and then the Stover Campus which is located southeast and zoned IPM.

Mrs. Townshend further stated that the Comprehensive Plan shows these lands as Commercial and the applicant is requesting that they receive an RM-2 zoning classification change to Residential Medium Density. The State has reviewed this plan through the Preliminary Land Use Services process and has no objection to it. In this case, because of the proximity to places of work, to a school, and other services, the Zoning and Comprehensive Plan Amendment requested seems to be consistent with the area and the re-development of the area.

Mrs. Townshend further stated that the applicant would like to present a brief power point presentation.

Mr. Dunkle stated that they would be bringing forth a site plan for twenty acres that is adjacent to the Schoolview development. He is not surprised that a lot of the neighbors are here this evening. The applicant did schedule a meeting with the neighborhood and City Council representatives for that district, Mr. Eugene Ruane and Mr. Bill McGlumphy, to talk to the neighbors, listen to the neighbors, and explain what this component of the Blue Hen Mall re-development plan of the applicant was. We have had a second meeting with the neighbors and that meeting also reviewed a plan that incorporated some of their feedback. It still shows construction on the vacant field which is the element of opposition. This property was a part of the Blue Hen Mall and was a vacant field when Schoolview was constructed. The DAC report does support the Plan Amendment based upon the findings found in the DAC Report and would support a rezoning. He would also submit that the testimony you will hear tonight and the comments in the DAC report are in keeping with Article 10, Section 5.111, Items A through E which is the procedure in the City of Dover for approving a Plan Amendment.

Mr. Pettinaro presented a power point presentation of what they have done around the State recently through restoration of dilapidated buildings.

Mr. Pettinaro further stated that their company was started in 1964 and is family owned an operated. We specialize in the revitalization of properties. We are not a seller of properties and do not do residential houses we are more of a commercial builder and a long time holder. They will renovate the entire mall and this rezoning will put the project together. They will be putting bike paths onto the parcel in the spring and will redo all of the parking lot with landscaped islands and with site lighting. They will also stripe the parking lot as currently, it does not function. What they find very difficult is to find tenants because the concept of the Blue Hen Mall has not changed in many years. In the fall, we will come back in to put a new skin on the building. If we keep the existing zoning we could put four (4), four story buildings and 300,000 square feet of office with 1,700 parking spaces with not a lot of green space. We felt that a down zoning was better for the concept of what we want to do. Our concept is to take the offices in the front and boarder them with the residential in the back with an apartment use. To put more offices on the site does not seem like it would work as you need some green space on the site. The tenants that look out the back of the mall in that it is so deep, will front the back, so we wanted them to be able to look at some green space. When we met with the residents of Schoolview, the three big concerns was first, an access road so that it would not be the only connector to S. Little Creek Road. Also, there is a connector road that goes through Schoolview that is stubbed up onto the property. We originally showed an entrance road there and the residents of Schoolview did not want it to connect there. The neighbors did not want to connect

the two projects together which is another reason why they have a second entrance. The third item of concern was landscaping as it was originally right up to the parking. We now have a forty foot landscaping and fence buffer. The fourth concern was with regards to water and sewer concerns. This will be worked out before they start construction as the residents did not want them coming into their pump station on the property. They will look into what they can do with the Public Works Department to get out of that pump station and get into a different pump station if they can.

Mr. Moore stated that this is a down zoning and most all issues under the RM-2 zoning this will be a reduction from what they would be permitted from a SC-3 zone. For example, there will be much more green space in the apartment complex as proposed then there would be if we were to do office or significant retail, which will have a reduction in stormwater management. With regards to the sewer issues, if the zoning stays SC-3, and a 300,000 square feet office built, it will generate a large amount of sewage. We would have to deal with it in the SC-3 zoning and will have to deal with it in the down zoning. With regards to parking, there will be approximately 300 parking spaces that are required for this development as an apartment complex. The number of spaces for a similar 300,000 square foot office park would be in excess of 1,000 parking spaces. The peak traffic demands on the adjacent roads would actually be greater with the current zoning of SC-3 and those are justified means of why we requested the down zoning. If we were to lay out this project and attempt to do what we feel is the best land use for a separation between a single family development and an intense commercial development which is what Mr. Pettinaro hopes the Blue Hen Corporate Center becomes, we would have proposed some form of multi-family flats to break down the neighborhood so that there was a step or breakdown between the intense commercial and the residences in Schoolview. Mr. Pettinaro has expressed interest in wanting to accommodate the neighbors and their three concerns.

Mr. Dunkle stated that the DAC report mentions this; however, he wanted to emphasis it, the City of Dover Staff in the update to the Comprehensive Plan in 2005 recommended that this change in zone in the Plan Amendment from commercial to the medium density residential in the same zoning category.

Mrs. Townshend read into record a letter received from Stover Homes Corporate Offices dated March 19, 2007. "Dear Mrs. Townshend I would like to express my support for the rezoning of approximately 20 acres between the Blue Hen Mall and the Schoolview sub-division from SC-3 to RM-2. I believe the proposed construction of garden style apartments will be an asset to the community. In addition, it should benefit the surrounding area and ultimately the City of Dover. If you wish to contact me regarding this project please feel free to call me, Respectfully Gary L. Stover, CEO, Stover Homes.

Mr. Friedman opened a public hearing.

Mrs. Barbara Austin – 699 Roberta Avenue – Stated that she is here with her neighbors to oppose the rezoning of the property behind the Blue Hen Corporate Center which comprises of twenty-three (23) plus acres from SC-3, Commercial to RM-2, Residential. There were meetings in February and March at the Blue Hen Corporate Center with representatives from Pettinaro

Construction, Becker Morgan Group, and Schoolview residents. The residents of Schoolview were told that 162; three story apartment units would be built with 351 parking spaces and drawings were displayed. A petition with 78 signatures from Schoolview Residents states that we are opposed to the rezoning as we do not want apartments next to our community of single family homes. We feel that so many rental units with the added population and potential crime would be detrimental to our community and would lower our property value. We are also concerned about the possibility of sewage from the development coming into the pump station on Roberta Avenue in Schoolview. We already have the added sewage from the Tudor Complex tied into our sewer system with subsequent sewer back-up in Schoolview basements. Also, the sewage from the Stover complex has been designated to come into Schoolview. At the present time, the sewage from the Blue Hen Corporate Center does not flow into Schoolview; it flows into the County system off of Route 113. The representatives from Becker Morgan Group assured us that they could put the sewage from the new development anywhere and it would only go into the Schoolview development if the City of Dover insisted on it. The residents are also concerned about the dead-end street at the intersection of Crawford and Roberta Avenue being opened up into the new development. We were assured by the representative from Pettinaro that this would only be done if the City of Dover insisted upon it. Schoolview cannot handle all of the added traffic that this will bring into our community. Our streets are very narrow and if cars are parked on both sides of the street you can barely get one car through. We feel that our community would serve as a traffic thru-way for another development and we also feel that our community has been used enough with little or no concern for our needs and our quality of life. With the Blue Hen Corporate Center, there has been no adverse activity in the evenings or weekends affected by the Commercial zoning. Adding apartments, we feel, would adversely affect us 24/7. We therefore request that this zoning remain commercial. Thank you.

Mrs. Townshend read into record an email letter received from Mr. Bart Genova dated February 20, 2007. "To the City of Dover, I am a property owner and I have a house in the Schoolview subdivision, 505 Crawford Avenue. I have some concerns about the proposed rezoning that I would like read into the record at tonight's meeting. I think the number of 162 proposed units is much too high and that single family units should also be mixed in to make it a more balanced neighborhood. When I speak about a balanced neighborhood, I am talking about the mix of owners and renters. On the other hand, if the City of Dover thinks that it is a good idea, which I don't, to have this huge apartment complex next to single family homes there should be a 100 foot setback between the complex and the Schoolview subdivision with no street connection between so Schoolview would not be affected by the noise of high density housing traffic. I would prefer the City not to change this zoning at all or zone it for single family homes only. By keeping the housing density down the City may not have to build as many schools and keep property taxes down. Thank you, Mr. Bart Genova.

Mrs. Barbara Messina – 655 Roberta Avenue – Stated that she is here tonight to voice her opposition to the Blue Hen Corporate Center rezoning from SC-3 to RM-2. She would not like to see this property zoning changed if it would mean allowing apartments of any type. That is what we were told, we were here for tonight not for a Blue Hen Corporate renovation promotion. Single family homes would be much better; however, we have been told by the owner that they have no intention for single family town homes for financial reasons. He will build commercial, business or apartments if this zoning changes and is approved. As a resident of the City of

Dover, she would hope that City officials would rather see businesses which would bring jobs to this City. There are enough unoccupied and brand new homes for residents but not enough jobs. The engineers and all of the other reports that we have read have stated that surely, the residents would rather have residential and not commercial business in this area. What happened is no one asked us? We would rather take our chances in filling these many parking spaces with employed persons and better yet, we would like to see the major changes to the Blue Hen Corporate Center completed and having workers fill it before you allow any additional buildings on this property at all.

Mrs. Messina further stated that she has personally called every apartment complex in the City limits and she could not find any with a waiting list for tenants. She does personally know many people who are searching for employment. The residents of this east Dover area are not willing to have the crime increased by adding more apartments in our area. If the City of Dover Police records are reviewed, you will see that the east side of Dover on South Little Creek Road has more than its share of Police action. We do have a school, a nursing home, and a large child care facility that should not be faced with this increased danger that would arise because of additional apartments in this area. She does, by the way, love the approval of apartments in Downtown Dover on the properly zoned property. I would like to thank Mr. Pettinaro for meeting with us and publicly stating that he does not desire to open the closed entrance into Schoolview and does not desire to tie into our City sewer and water services under the present zoning or if the residential change is approved. We hope that you will take into consideration the opposition of the many residents who are here in person and those who have contacted City of Dover officials concerning this rezoning. We do have a petition that you know of that has been signed by almost every resident of Schoolview. If this project is given permission by the Planning Commission and sent to City Council for final approval, she would like for you to know that there is property in Schoolview that will be available to place a policed substation that will be needed in the neighborhood in the very near future.

Mr. Frank Divita – 510 Crawford Avenue – Stated that he is here to protest this rezoning of the property located behind the Blue Hen Corporate Center from commercial to residential. This property lies directly behind his house and he has been here for over forty (40) years and does not want to see apartments built here. This would decrease the value of his property and greatly increase population and cause traffic that we already have from apartments nearby. Schoolview is being squeezed in from all sides and the residents in this neighborhood are opposing this rezoning. We hope that the Planning Commission takes that into consideration.

Mr. Freidman closed the public hearing after seeing no one else wishing to speak.

Mr. Holt stated that with regards to the pump station, it would seem that he has answered all of our questions as far as sewage and backup maybe going into Schoolview development.

Mr. Nichols stated that the letter that Mr. DePrima wrote to the Schoolview homeowners he believes it lays out everything as far as utilities. They would have no problems, that the change from the shopping center to the medium density residential would cause.

Mr. von Reider stated that when he looks at this property, he does not believe that it is necessary to create a buffer transition zone between the Blue Hen Corporate Center and Schoolview by putting the most possible dense residential zoning that you could on that property. If he lived there, he would be very upset about having apartment buildings popping up in his face. Schoolview is zoned R-8 and he thinks that RG-3 would be a more appropriate zoning for this property because it would allow single family homes as well as town homes so you can increase the density without creating massive buildings and complete rental properties. Trying to encourage home ownership creates a better community and a better environment. He would oppose the RM-2 zoning classification.

Colonel Welsh stated that he would concur with what Mr. von Reider has stated.

Mr. Pettinaro stated that the apartments that they will be providing are upscale apartments. There is another zoning classification of RG-5 which allows for a lot more dense apartments and we talked to the City and decided to go with the RM-1 zoning classification. There are not a lot of nice apartments in Dover, they are mostly junky. We believe that our apartments would be priced above those that are priced in the area now. The only problem with town houses that we find is that one, it is a for-sale development and we cannot control what happens there. We can write deed restrictions in; however, once we sell the property, we cannot control what car sits in the parking lot, we can't control that people are grilling out on their decks, or leave trash out on their decks. We have a big investment in the front and we want to be able to control what happens between the two developments and by having apartments, we have rules and regulations in the apartments that leave us the ability to kick people out if they do not abide by them. Through all of the comments that he heard, traffic, the pump station, road connection, and no heavy use in the current commercial zoning, they just don't want apartments. We have agreed to fix the pump station problem by not going into their pump station. The road connection we have agreed to fix that problem and provide a heavy buffer. There is no heavy use in the commercial district because there is 400,000 square feet that is vacant. There are over 3,000 parking spaces in that mall. Sooner or later, for everyone's benefit, mine and the City, we will fill those and when that happens, the traffic will be there. To have more use and traffic from the back is not good for the community, there is only so much traffic that can be there and we should figure out a down grading for the pieces in the back.

Colonel Welsh stated that is seems to him that the applicant is requesting an RM-2 medium density residence zone which the testimony that we have heard from all of the residents from Schoolview, are opposed to. Either this is an approved recommendation granting that it goes to City Council with their concurrence or disapproved. The developer would want to maintain commercial zoning if we were not going to provide him with RM-2 zoning. To arbitrarily throw in another zoning that he is not requesting is not the proper thing to do.

Mrs. Townshend stated that her recommendation would be that you ask the applicant if he would be amenable to the RG-3 if this is what you want to do and if he is not then you either approve or deny it.

Mr. von Rider questioned the applicant on what their preference would be? Responding to Mr. von Reider, Mr. Pettinaro stated that they would prefer that you vote on what we are asking for.

Mr. von Reider moved to approve the Land Development Comprehensive Plan Map for changing the designation of the property from Commercial to Residential Medium Density without, at this time, a specified zoning classification, seconded by Mr. Nichols and the motion was unanimously carried.

Mr. von Reider moved to recommend to City Council that the property be rezoned from its current SC-2 zoning classification to a zoning classification of RG-3 which is in opposition of what the applicant has requested of RM-2 medium density residential.

Mr. DiMondi stated that the applicant is already on record as stating that he is not going to support that move who then becomes the applicant before City Council. The zoning classification of RG-3 does not fit what the developer is proposing for this property.

Mr. Friedman stated that the motion for changing the zoning classification has failed because there is a lack of a second on the motion and asked for another motion.

Mr. DiMondi moved to recommend to City Council from the zoning classification of SC-2 to a zoning classification of RM-2 be granted based on good land use planning guidelines, techniques and previous actions taken in previous years by Planning Staff with regard to the 2003 Comprehensive Plan Update in permitting anything otherwise allowed under the RM-2 Land Use category as outlined under Article 3, Section 7.0, seconded by Mr. Nichols. Mr. Baldwin, Mr. Holt, Mr. Friedman and Mr. Tolbert were in favor of the zoning classification. Mr. von Reider and Colonel Welsh were against the zoning classification.

Mr. von Reider questioned with regards to the motion, he would request the motion maker to include in his motion the specifications that the developer would, if this was approved by City Council, seek alternative methods for sewer discharge other then hooking into the Schoolview system and secondly, that they agree that the stub street connection to Schoolview not be connected so that any traffic from this development does not go through Schoolview.

Mr. DiMondi stated that he felt that the application is to grant a zoning classification not move towards the approval of site plan. The offer has been made and a record has been created and there are certainly plenty of witnesses in the room that if Mr. Pettinaro chooses to go south, there would be plenty to go forward with when a Site Plan comes forward. Mixing all of that into the context of the rezoning might be a terrible technical mistake that we might not want to tread in.

Total properties within 100 feet of subject site

PARCELID	ACREAGE	Property Address	OWNER	Owner Address	Address 2	City	State	Zip
ED05-077.11-02-03.00	0.00779983901	504 ROBERTA AVE	JEANNE A PERRAULT REVOC TRUS	504 ROBERTA AVE		DOVER	DE	19901
ED05-077.11-02-04.00	0.13468572275	510 ROBERTA AVE	WALTERS,JASON T	510 ROBERTA AVE		DOVER	DE	19901
ED05-077.11-02-06.00	0.18643933773	510 CRAWFORD AVE	DIVITA,FRANK & WANDA J	510 CRAWFORD AVE		DOVER	DE	19901
ED05-077.11-02-05.00	0.02858831857	518 ROBERTA AVE	PHILLIPS,MARK D & LAURIE	518 ROBERTA AVE		DOVER	DE	19901
ED05-077.11-02-07.00	0.19916120410	518 CRAWFORD AVE	EVANS,M ROSS & NELDA B	518 CRAWFORD AVE		DOVER	DE	19901
ED05-077.11-02-08.00	0.19178997510	524 CRAWFORD AVE	HAND,WILLIS C & NELLIE V	524 CRAWFORD AVE		DOVER	DE	19901
ED05-077.11-02-09.00	0.18085506630	532 CRAWFORD AVE	HALLMAN,SHIRLEY A	532 CRAWFORD AVE		DOVER	DE	19901
ED05-077.11-02-10.00	0.17200322263	538 CRAWFORD AVE	PERRY,MILDRED J	10 EAST ST		CAMDEN	DE	19934
ED05-077.11-02-11.00	0.17209738680	546 CRAWFORD AVE	HAMPTON,CHRISTOPHER &	JACQUELINE L	546 CRAWFORD AVE	DOVER	DE	19901
ED05-077.11-02-12.00	0.17248466549	554 CRAWFORD AVE	SAUNDERS,DAVID C &	BENSON,MARY A	88 PUTTER WAY	CAMDEN	DE	19934
ED05-077.11-02-13.00	0.17502345467	562 CRAWFORD AVE	SAROGLIA,PHILLIP	562 CRAWFORD AVE		DOVER	DE	19901
ED05-077.11-02-14.00	0.16892193804	568 CRAWFORD AVE	CROUSER,REBECCA C	568 CRAWFORD AVE		DOVER	DE	19901
ED05-077.11-02-15.00	0.17680424749	576 CRAWFORD AVE	LASOCHA,MARIANNA D	576 CRAWFORD AVE		DOVER	DE	19901
ED05-077.11-02-16.00	0.17168469171	584 CRAWFORD AVE	KRASULAK,MICHAEL J	584 CRAWFORD AVE		DOVER	DE	19901
ED05-077.11-02-17.00	0.17348184877	590 CRAWFORD AVE	HAWKINS,DONALD & DEBORAH J	590 CRAWFORD AVE		DOVER	DE	19901
ED05-077.11-02-18.00	0.17287082037	598 CRAWFORD AVE	QUAPPE,CHARLES & HEIDI	598 CRAWFORD AVE		DOVER	DE	19901
ED05-077.11-02-19.00	0.17374041366	606 CRAWFORD AVE	IGNACIO,EDWARD P & ESTELLA E	606 CRAWFORD AVE		DOVER	DE	19901
ED05-077.11-02-20.00	0.16912820618	614 CRAWFORD AVE	REIMS,AARON & PHYLLIS A	614 CRAWFORD AVE		DOVER	DE	19901
ED05-077.11-02-21.00	0.17438766680	622 CRAWFORD AVE	BORDLEY,JAMES & ELEANOR	622 CRAWFORD AVE		DOVER	DE	19901
ED05-077.11-02-22.00	0.17606159259	628 CRAWFORD AVE	HOLMES,RICHARD C &	HOLMES,IEASA A	628 CRAWFORD AVE	DOVER	DE	19901
ED05-077.11-02-23.00	0.16931865031	636 CRAWFORD AVE	HOLMES, YVETTE	636 CRAWFORD AVE		DOVER	DE	19901
ED05-077.11-02-24.00	0.21932981459	644 CRAWFORD AVE	STALEY,MICHAEL G &	POWELL,JENNIFER L	644 CRAWFORD AVE	DOVER	DE	19901
ED05-077.00-01-19.07	0.58673607569	655 BAY RD	DE EXCHANGE LLC	635 SWEDESFORD RD		MALVERN	PA	19355
ED05-077.00-01-19.05	2.67358388786	655 BAY RD	DE EXCHANGE LLC	635 SWEDESFORD RD		MALVERN	PA	19355
ED05-077.00-01-19.03	1.28711794779	655 BAY RD	DE EXCHANGE LLC	635 SWEDESFORD RD		MALVERN	PA	19355
ED05-077.16-01-03.00	0.01689916324	695 ROBERTA AVE	FREEMAN,FRANK W & EVA D	695 ROBERTA AVE		DOVER	DE	19901
ED05-077.16-01-02.00	0.34671749495	697 ROBERTA AVE	FUNK,CURTIS L & MARY ANNE	697 ROBERTA AVE		DOVER	DE	19901
ED05-077.16-01-01.00	0.26802737523	699 ROBERTA AVE	AUSTIN,HENRY W JR & BARB	699 ROBERTA AVE		DOVER	DE	19901
ED05-077.00-01-02.00	0.50567195682	852 S LITTLE CREEK RD	DOVER SPECIAL SCHOOL DISTRICT	945 FOREST ST		DOVER	DE	19904
ED05-077.00-01-22.00	1.46262030354	BAY RD	DELAWARE INDUSTRIAL ENT INC	155 N FAIRFIELD DR		DOVER	DE	19901

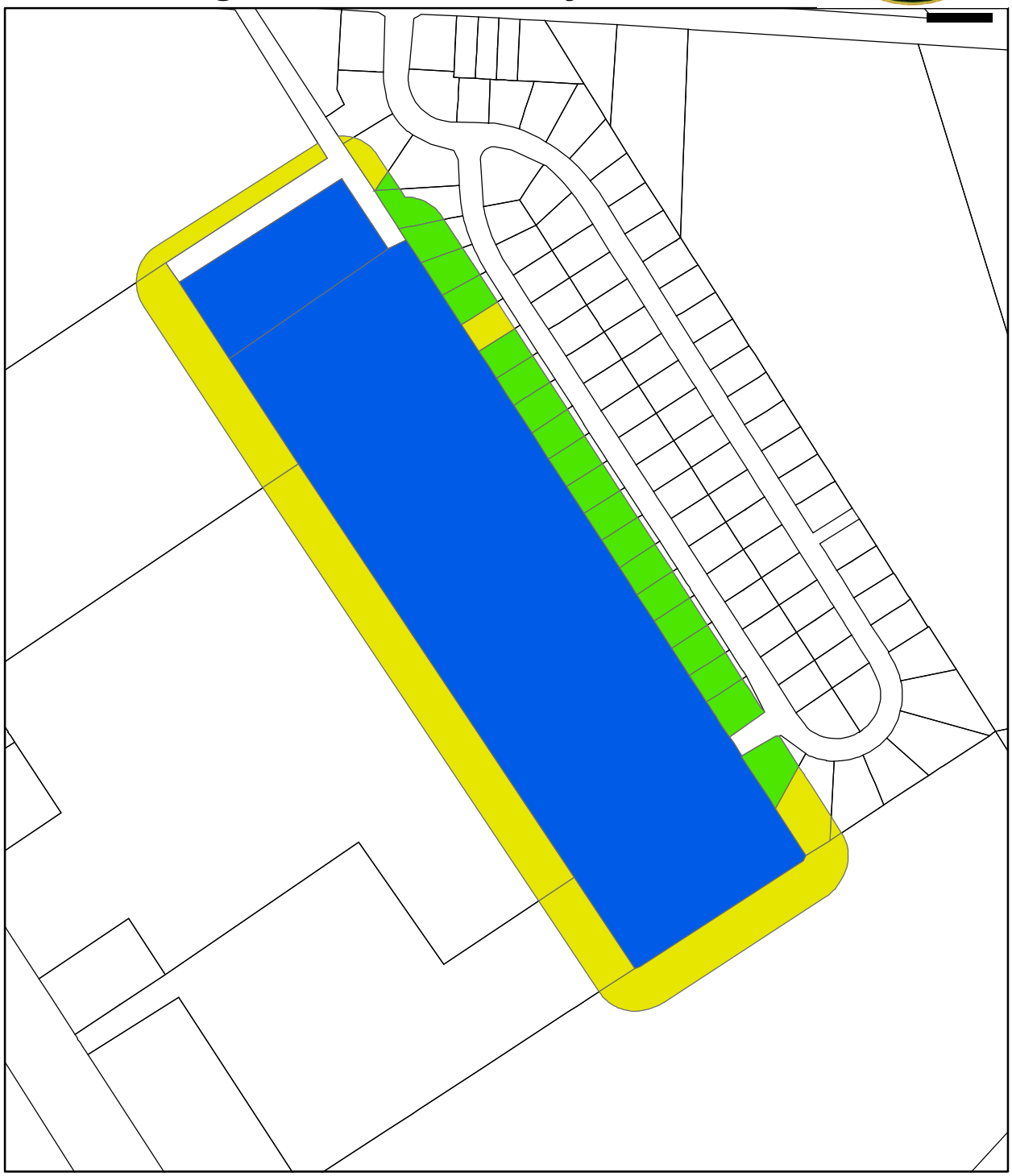
Total = 10.71403228878 Acres are present within 100 feet of the subject site
Petition Threshold 2.14280645776 Acres of petitioning land are required to validate the petition

Total Acres not signing = 7.19383561428
Total Acres in Petition = 3.52019667450

= Responding Properties

3.52019667450 = A valid petition threshold.

Z-07-03
Blue Hen Corporate Center
Rezoning Petition Analysis



Legend

- Blue Hen Corporate Center
- Petitioning Properties
- Land valid for Petition Consideration
- City of Dover Parcels

0 225 450 900 Feet

Total Petitioning Land Owners account for 3.52 Acres of the 10.71 Acres that are within 100 Feet of the subject site.

This accounts for a total of 32.86% of the land area in protest of the rezoning.

The following property owners wish to express opposition to the Petition to amend Comprehensive Plan & Zoning District before the Dover City Council
Re-zoning of file # Z-07-03 Blue Hen CC, LLC Tax parcel Id# Ed-05-077.00-01-01.00-000 23.35 acres from commercial SC-3 shopping center development to RM-2 medium density residence zone. The following owners wish to express no desire for the approval and no approval of the tie into the School View pump station #6 for water & waste water services. The following also wish to oppose any opening of the stub road into the property mention on Crawford Avenue.
All listed owners reside within 100 feet of the above mentioned petition.

The Following School View residents oppose APARTMENTS

NAME	ADDRESS	
Frank Dirita	510 Crawford Ave Dover 19901	
Wanda J. Dirita	510 Crawford Ave Dover 19901	
M. Ross Evans	518 CRAWFORD AVE DOVER 19901	
Nelda B. Evans	518 Crawford Ave Dover 19901	
Willis C. Hand	524 Crawford ave Dover 19901	
Nellie Hand	524 Crawford Ave, Dover De 19901	
Shirley Hallman	532 Crawford Ave Dover DE 19901	
Jacqueline Hampton	546 Crawford Ave Dover DE 19901	
Christopher Hampton	546 Crawford Ave Dover De 19901	
PHILIP SARACA	562 CRANFERD AVE. 19901	
Robert Crone	568 crawford AVE DOVER DE 19901	
Yvette Holmes	636 Crawford Ave Dover, DE 19901	
Marienne D Lasocha	576 CRAWFORD AVE DOVER DE 19901	
Deo Hem	590 Crawford Ave Dover DE 19901	
Deborah Hawkins	590 Crawford Ave Dover, DE 19901	
Charles Quagge	598 CRAWFORD DOVER, DE 19901	

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All listed owners reside within 100 feet of the above mentioned petition.

The Following School View residents oppose APARTMENTS

NAME	ADDRESS	
Heidi Quappe	598 Crawford Ave, Dover, DE 19901	
James R Bordley	622 Crawford ave Dover De 19901	
Eleanor M Bordley	622 Crawford ave Dover De 19901	
Richard C. Holmes	628 Crawford Ave Dover, DE 19901	
Teas Ann Holmes	628 Crawford Avenue Dover, DE 19901	
Jennifer Powell	644 Crawford Ave, Dover, DE 19901	
Michael Staley	644 Crawford Ave Dover, DE 19901	
Barbara Austin	699 Roberts Ave. Dover	
Henry W. Austin	699 Roberts Ave Dover	
Phyllis A. Reina	614 Crawford Ave. Dover	New owners Dec 0
Aaron Reina	614 Crawford Ave. Dover	New owners
Eduardo Ignacio	606 Crawford Ave Dover	
Estelle Ignacio	606 Same as above 674-1940	
Mark Phillips	518 N Roberts Ave	
Jeanne Phillips	518 N Roberts Ave	
Michael Blanchard	584 Crawford Ave	
Connie Kravaiac	584 Crawford Ave	

The following property owners wish to express opposition to the Petition to amend Comprehensive Plan & Zoning District before the Dover City Council
Re-zoning of file # Z-07-03 Blue Hen CC, LLC Tax parcel Id# Ed-05-077.00-01-01.00-000 23.35 acres from commercial SC-3 shopping center development to RM-2 medium density residence zone. The following owners wish to express no desire for the approval and no approval of the tie into the School View pump station #6 for water & waste water services. The following also wish to oppose any opening of the stub road into the property mention on Crawford Avenue.

All owners reside within the 100 feet of the above mentioned petition. The Following School View residents oppose APARTMENTS

NAME	ADDRESS	
Mary A. Benson	554 Crawford Ave Dover, DE 19904	MARY BENSON
	554 Crawford Ave Dover, DE 19904	DAVID SAUNDERS

RECEIVED
APR 19 2007
OFFICE OF THE CITY CLERK

School View Petition against Blue Hen Corporate Center re-zoning

BLUE HEN APT, LLC

234 N. JAMES ST
NEWPORT, DE 19804
Telephone 302 999 0708 – Fax 302 999 1634

RECEIVED
APR 19 2007
OFFICE OF THE CITY CLERK

April 18, 2007

Residents of Schoolview
Dover, Delaware

RE: Application for Comprehensive Plan Amendment/Rezoning
DE Exchange, L.L.C./Blue Hen Corporate Center

Dear Schoolview Residents:

On Wednesday, April 18, 2007, Mr. James D. McGinnis will be meeting on my behalf with representatives of your neighborhood to further discuss my company's plans for the Blue Hen Mall properties. As a direct result of our previous community meetings, we have made several changes to the design of our proposed apartment complex and I wanted to state clearly, in writing, my company's intentions as follows:

1. **No sanitary sewer connection to the Schoolview Pump Station**: Our garden apartment project will not connect to the Schoolview Pump Station. We will construct our own private pump station to connect the apartments to the City's sewer facilities.

2. **Buffer between the apartment complex and the Schoolview neighborhood**: We will install a landscape buffer and a stockade fence along the property line between the apartment complex and Schoolview.

3. **Public street access to Route 113**: We will dedicate a public street to provide direct access from the apartments to Route 113.

4. **No request by the Developer to connect to Crawford Avenue from our apartment project**: Our plans do not show a connection to Crawford Avenue from our apartment project through the existing street stub in Schoolview. In our opinion, this project does not need to make that connection.

5. **Our apartments will be first class, brick garden apartments.**

Very truly yours,

Gregory Pettinaro

RECEIVED
APR 18 2007
OFFICE OF THE CITY CLERK

April 15, 2007

Ann Marie Townsend, ACIP
City of Dover
PO Box 475
Dover, Delaware 1990

RE: Blue Hen Mall Comprehensive Plan Amendment and Rezoning
City of Dover file number Z-07-03
Public Hearing April 23, 2007

Dear Ms. Townsend:

Please accept this letter in support of the redevelopment plans for the old Blue Hen Mall proposed by the Pettinaro Corporation, including the construction of an upscale apartment community adjacent to the Mall. The benefit to the community in this proposed downzoning and redevelopment project is significant. From what I understand Mr Pettinaro's company is investing nearly $40 million of private funds in this site, which will bring both a large employment center to Dover as well as high quality apartment housing for employees and other citizens.

This section in the southeast portion of our city is in bad need of a face lift and this project will provide modifications and new construction to improve the appearance of this area. It will also most certainly bring in additional tax revenue to our city. I urge the City to support the Comprehensive Plan Amendment for commercial to Medium Density Residential and the downzoning from SC-3 to RM-2 requested by Mr. Pettinaro. It makes sense to support redevelopment of vacant, outdated properties in the City of Dover, and Mr. Pettinaro's project has my unqualified support.

Richard B. Bundy

Richard B. Bundy, Brig Gen (Ret), USAF
Executive Board Member
Central Delaware Chamber of Commerce

cc: Bev Williams

FINAL READING

AN ORDINANCE AMENDING THE CITY OF DOVER COMPREHENSIVE PLAN UPDATE, 2003, AS AMENDED IN MAY 2005 AND SEPTEMBER 2006, BY AMENDING LAND DEVELOPMENT MAP 11-1 BY CHANGING THE LAND DEVELOPMENT PLAN DESIGNATION FROM COMMERCIAL TO RESIDENTIAL MEDIUM DENSITY ON PROPERTY LOCATED EAST OF SOUTH BAY ROAD AND EAST OF THE BLUE HEN CORPORATE CENTER

WHEREAS, the City of Dover has adopted a Comprehensive Plan laying out land use policies within the City of Dover; and

WHEREAS, it is deemed in the best interest of zoning and planning to change the permitted use of property described below from Institutional to Commercial.

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

1. That from and after the passage and approval of this ordinance the Land Development Plan Map of the City of Dover has been amended by changing the land development plan designation from Commercial to Residential Medium Density on that property located east of South Bay Road and east of the Blue Hen Corporate Center, owned by Blue Hen CC, LLC.

ADOPTED: *

S:\ClerksOffice\Ordinances\2007\DRAFT Ordinances\Comp Plan Amendment - South Bay Rd Final Rdg 04-23-07.wpd

FINAL READING

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED EAST OF SOUTH BAY ROAD AND EAST OF THE BLUE HEN CORPORATE CENTER

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

WHEREAS, it is deemed in the best interest of zoning and planning to change the permitted use of property described below from SC-3 (Regional Shopping Center Zone) to RM-2 (Medium Density Residence).

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

1. That from and after the passage and approval of this ordinance the Zoning Map and Zoning Ordinance of the City of Dover have been amended by changing the zoning designation from SC-3 (Regional Shopping Center Zone) to RM-2 (Medium Density Residence) on that property located east of South Bay Road and east of the Blue Hen Corporate Center, owned by Blue Hen CC, LLC.

ADOPTED: *

S:\ClerksOffice\Rezonings\2007\South Bay Road\ORDINANCE-SouthBayRd-Final Rdg 03-12-2007.wpd

PETITION TO AMEND ZONING ORDINANCE TEXT
Before the Dover City Council
April 23, 2007

Proposed Zoning Text Change:

The proposed zoning text more closely aligns the definitions and thresholds regarding day care facilities with those of the State Office of Child Care Licensing. Additionally, it would add day care centers as a permitted use in the IO (Institutional and Office Zone) and hotels and restaurants as a conditional use in the IO (Institutional and Office Zone). Finally, it reconciles an inconsistency within the *Zoning Ordinance* regarding the parking requirements for day care centers.

Planning Commission Recommendation:

Following a public hearing on April 16, 2007 before the City of Dover Planning Commission, the Planning Commission unanimously recommended approval of the proposed zoning text amendment as presented at the first reading, with the following changes as recommended by staff in a memorandum dated April 16, 2007:

- The correction of the reference to "section 10.1" to "Article 10, Section 1." This change was also recommended by the Parks, Recreation and Community Enhancement Committee.
- The addition of the phrase "for compensation," in the definitions within Article 5, Section 14 and in the definition in Article 12.
- The change in Article 5, Section 14.35 to replace "letter of approval" to "license," and to replace "Certificate of Occupancy" to "City of Dover Business License."

The Planning Commission **did not** recommend changing the thresholds as referenced in the staff memorandum from April 16, 2007. Commissioners expressed concern that increasing the numbers as referenced in the memo could potentially have a negative impact on surrounding properties.

A copy of the proposed text amendment incorporating the changes recommended by the Planning Commission is attached for clarity.

File Number: MI-07-04

Summary of Ordinance Amendments:

The proposed ordinance accomplishes several things:

1. The State of Delaware recently revised its regulations regarding day care. The proposed revisions align the City of Dover zoning provisions regarding day care more closely with the State regulations, specifically regarding definitions and number of child thresholds.

2. There is currently an inconsistency in the *Zoning Ordinance* regarding parking requirements for day care centers. Article 5, Section 14.33 requires one space per each adult attendant, plus one for every ten children. Article 6, Section 3.1 requires one space per each adult attendant, plus one for every 20 children. We have been requiring the more stringent, and the proposed change would reinforce this and eliminate the inconsistency.

3. The current ordinance permits up to 50 children in a day care center in zones R8 through R 20, and up to 100 children in all other zones. The proposed amendment would remove the 100-child limitation in non-residential zones and limit day care centers in all residential zones to 50 children.

4. Currently, day care centers are a conditional use in all zones. The proposed amendment would allow day care centers as a permitted use in the IO (Institutional and Office Zone), and continue to allow them as a conditional use in all other zones.

5. The proposed amendment would add hotels and restaurants as a conditional use in the IO (Institutional and Office Zone).

MEMORANDUM

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

Date: April 16, 2007

To: Planning Commission Members

From: Ann Marie Townshend, AICP

RE: Zoning Text Amendment – Changes to Day Care and IO Zone

The zoning text amendment presented in your packet is the draft that had its first reading at the City Council meeting on March 12, 2007. The Parks, Recreation and Community Enhancement Committee reviewed the draft at its meeting on March 27, 2007, and the Planning Staff met with the Office of Child Care Licensing regarding the proposed amendment. Based on these meeting, there are a number of changes proposed to the text, which are detailed below.

First, the change recommended by the Parks, Recreation and Community Enhancement Committee corrects an error in the proposed ordinance. In Section 10.16, the text refers to "section 10.1." This should be replaced with "Article 10, Section 1."

Secondly, after meeting with the staff from the Office of Child Care Licensing, the following changes are recommended.

- ❑ Section 14.21 should read (blue text indicates changes):

  14.21 ~~*Day care center*~~ ***Day Care Center***.
  (a) Any place, other than an occupied residence, which receives children for compensation for day care or ~~group day care home~~ **Large Family Day Care Home**; and
  (b) Any occupied residence which receives ~~12~~ ~~13~~ 15 or more children for compensation for day care.
  ~~Such child care facilities~~ **Day Care Centers** shall be required to obtain conditional use approval by the planning commission in accordance with the procedures and subject to the general conditions set forth in ~~section 10.1~~ **Article 10** and to any specified requirement set forth in [sub]section 14.3 below~~.~~**, except in zoning districts where listed as a permitted use.**

- ❑ Section 14.22 should read (blue text indicates changes):

  14.22 ~~*Family day care home*~~ ***Family Day Care Home***. An occupied residence in which a person provides care for children other than his/her own family and the children of close relatives for compensation. Such care in a ~~*Family day care home*~~ **Family Day Care Home** is limited to that care given to ~~six~~ nine or fewer children. Such child care facility shall be permitted as an accessory use in all residential zones and shall be exempt from obtaining a conditional use permit and site plan approval.

- ❑ Section 14.23 should read (blue text indicates changes):

  14.23 ~~*Group day care home*~~ ***Large Family Day Care Home*****.** A facility which provides child care for more than ~~six~~, nine but less than ~~12~~ ~~13~~ 15 children. This care may be offered in a private home or in a property converted to the purpose of providing child day care. **This form of Day Care Facility requires the**

submission of a site plan application in accordance with the procedures and subject to Article 10 Section 2 of the *Zoning Ordinance*. If a Large Family Day Care Home is not to be located in an occupied residence, then a conditional use site plan application shall be required in accordance with Article 10 Section 1 of the *Zoning Ordinance.*

- ❑ Section 14.35 should read (blue text indicates changes):

  14.35*Licensing requirements.* ~~The day care center~~ **Day care facilities** must meet state standards, and a ~~letter of approval~~ license from the state shall be submitted to the department of planning and inspections **prior to the issuance of a ~~Certificate of Occupancy~~** City of Dover Business License.

- ❑ The amended definition in Article 12 should read (blue text indicates changes):

  Day care facility: For the purposes of this ordinance, the facilities described furnishing care, supervision and guidance of a child or group of children for compensation, unaccompanied by [a] parent or guardian for periods of less than 24 hours per day shall be defined as follows:

  (a) ~~*Day care center*~~ ***Day Care Center****:*

  i. Any place, other than an occupied residence, which receives children for day care or ~~group day care home~~ **Large Family Day Care Home**; and

  ii. Any place, including an occupied residence, which receives ~~12~~ ~~**13**~~ 15 or more children for day care.

  (b) ~~*Family day care home*~~ ***Family Day Care Home****:* An occupied residence in which a person provides day care for children other than his/her own family and the children of close relatives. Such care in a ~~family day care home~~ **Family Day Care Home** is limited to that care given to ~~six~~ nine or fewer children. Such child care facility shall be permitted as an accessory use in all residential zones and shall be exempt from obtaining a conditional use permit **and site plan approval**.

  (c) ~~*Group day care home*~~ ***Large Family Day Care Home****:* A facility which provides child care for more than ~~six~~ nine, but less than ~~12~~ ~~**13**~~ 15 children. This care may be offered in a private home or in a property converted to the purpose of providing child day care.

As amended by the Planning Commission (changes recommended by the Planning Commission are indicated in bold blue font):

Section 10. Institutional and office zone (IO).
10.1*Uses permitted.* In an institutional and office zone, 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:

10.11 Business, professional, or governmental offices, and research, design and development laboratories, located entirely within a building on the same lot therewith, including incidental clinics, cafeterias and recreational facilities for the exclusive use of company employees.

10.12 Public and institutional uses including hospitals, sanitariums for general medical care, medical clinics, libraries, police stations, courthouses, transit centers, motor vehicle storage and repair facilities accessory to a public or institutional use, schools, colleges and universities, places of worship, philanthropic and eleemosynary institutions, parks, playgrounds, public indoor recreation centers, civic centers, athletic fields and public utility rights-of-way and structures necessary to serve areas within the city.

10.13 Restaurants accessory to permitted uses located on the same lot.

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

~~10.15 Firearm ranges, prisons and correctional facilities, [and] public incinerators, as a conditional use, subject to the approval of the planning commission under the provisions of article 10, section 1.~~

10.15 Day Care Centers, provided they are established in accordance with all applicable State regulations pertaining to child care and provided that they are established and maintained in accordance with Article 5 Section 14 of this ordinance.

10.16 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 section 10.1:

(a) Firearm ranges, prisons and correctional facilities.
(b) Public Incinerators
(c) Hotels and restaurants.

10.2*Landscaping.* The entire lot, except for areas covered by buildings and surfaced as parking or service areas, shall be suitably landscaped.

10.3*Ingress and egress.* Driveways shall be not less than 24 or more than 28 feet wide. There shall be no curb cuts or points of vehicular access to the lot, other than for such driveways.

10.31*Off-street parking.* No parking lot shall be located within the minimum required front yard, nor between the street line and the principal building on the front side of the lot, except that parking lots shall be permitted between the street line and the principal building when all such parking lots are set back at least 100 feet from the street line. For properties which involve more than one street frontage, only that frontage which correlates to the property street address shall be considered the front side for purposes of this subsection. Off-street parking shall be provided in accordance with the provisions of article 4 and article 6 of this ordinance.

10.4*Site illumination.* Exterior flood lighting or other illumination shall be shielded from the view of all surrounding properties and streets.

10.5*Uses prohibited.* The following uses are prohibited:

10.51 Residences.

10.52 Manufacturing of any kind, other than that of laboratory prototypes.

10.53 Landfills, dumps, or bulk storage of manufactured or other products.

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

10.7*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.
(Ord. of 10-24-1983; Ord. of 12-14-1992; Ord. of 7-12-1993, § 7; Ord. Of 4-25-1994; Ord. of 10-12-1998; Ord. of 7-10-2000; Ord. of 2-12-2001)

BE IT FURTHER ORDAINED THAT:

That Appendix B - Zoning Ordinance, Article 5 – Section 14. Day Care Facilities be amended by inserting the text indicated in bold, red and deleting the text indicated in red strikeout, as follows:

Section 14. Day care facilities.

14.1 *General.* In order to promote the development of quality child care outside of the home (day care facilities), the following two basic assumptions have been made:

14.11 The establishment of day care services and facilities, wherever there is a need, is a necessary public objective; and

14.12 Day care programs shall be treated as community facilities and shall be permitted to locate in any zoning district, provided that need has been demonstrated, state licensing requirements have been met and no physical hazard to children can be reasonably anticipated.

14.2 *Definitions.*

Day care facility. For the purposes of this ordinance, the facilities described furnishing care, supervision and guidance of a child or group of children unaccompanied by a parent or guardian, for periods of less than 24 hours per day shall be defined as follows:

14.21 ~~*Day care center*~~ ***Day Care Center***.

(a) Any place, other than an occupied residence, which receives children **for compensation** for day care or ~~group day care home~~ **Large Family Day Care Home**; and

(b) Any occupied residence which receives ~~12~~ **13** or more children **for compensation** for day care.

~~Such child care facilities~~ **Day Care Centers** shall be required to obtain conditional use approval by the planning commission in accordance with the procedures and subject to the general conditions set forth in ~~section 10.1~~ **Article 10** and to any specified requirement set forth in [sub]section 14.3 below~~.~~**, except in zoning districts where listed as a permitted use.**

14.22 ~~*Family day care home*~~ ***Family Day Care Home***. An occupied residence in which a person provides care for children other than his/her own family and the children of close relatives **for compensation**. Such care in a ~~*Family day care home*~~ **Family Day Care Home** is limited to that care given to six or fewer children. Such child care facility shall be permitted as an accessory use in all residential zones and shall be exempt from obtaining a conditional use permit and site plan approval.

14.23 ~~*Group day care home*~~ ***Large Family Day Care Home*****.** A facility which provides child care for more than six, but less than ~~12~~ **13** children. This care may be offered in a

private home or in a property converted to the purpose of providing child day care. **This form of Day Care Facility requires the submission of a site plan application in accordance with the procedures and subject to Article 10 Section 2 of the *Zoning Ordinance*. If a Large Family Day Care Home is not to be located in an occupied residence, then a conditional use site plan application shall be required in accordance with Article 10 Section 1 of the *Zoning Ordinance.***

14.3 *Zoning criteria.*

14.31*Number of children.* Day care centers shall be limited to a maximum of 50 children in ~~zones R-8 through R-20 and a maximum of 100 children in all other zones~~ **all residential zones.**

14.32*Outdoor play area.* Must meet the state requirement for day care centers.

14.33*Off-street parking/loading.* One space per each adult attendant, plus one space for every ten children.

14.34*Signs in all residential zones.* Signage shall be limited as follows:
(a) ~~*Family and group day care homes.*~~ ***Family Day Care Homes and Large Family Day Care Homes*** One wall-mounted sign limited to two square feet.
(b) ~~*Day care center*~~ **Day Care Center**. One sign, wall-mounted or freestanding, limited in area to 12 square feet. The planning commission shall consider the location of such sign as part of the conditional use review and may approve a lesser amount of sign area if deemed necessary by the commission to protect the general health, safety and welfare of the public in general and the residents of the immediate neighborhood in particular.
Signs in nonresidential zones. Day care centers within non-residential zoning districts shall be governed by the sign regulations in affect for the particular nonresidential zoning district in which the day care center is located.

14.35*Licensing requirements.* ~~The day care center~~ **Day care facilities** must meet state standards, and a ~~letter of approval~~ **license** from the state shall be submitted to the department of planning and inspections **prior to the issuance of a ~~Certificate of Occupancy~~ City of Dover Business License**.

BE IT FURTHER ORDAINED THAT:

That Appendix B - Zoning Ordinance, Article 6 – Section 3. Required Off-Street Spaces be amended by inserting the text indicated in bold, red and deleting the text indicated in red strikeout, as follows:

Section 3. Required off-street parking spaces.
3.1 *Schedule of requirements.* Accessory off-street parking spaces, open or enclosed, shall be provided for any lot as specified in article 4, zone bulk and parking regulations, and as specified below for each use in any zone. Any land which is developed as a unit under single ownership and control shall be considered a single lot for the purpose of these regulations.
TABLE INSET:

For:	At Least One Parking Space For Each
Places of worship, libraries and other public buildings	Two hundred square feet of floor area, but not less than one space for each five seats, where provided
Nursery school~~,~~ **or** kindergarten ~~or day care center~~	Adult attendant, plus one for every 20 children
Elementary or junior high school	Eight seats in main auditorium
High school, technical school, college or university	Five seats in main auditorium
Hospitals or sanitariums	Three beds
Roominghouses	Guestroom
Dormitories, fraternity and sorority houses	One space for every four sleeping rooms
Eating and drinking places	Five seats
Funeral directors	Two employees, plus five spaces for each chapel
Hotels and motels	Guestroom
Bowling alleys	One-half alley
Home occupation or professional office	Three spaces for each such use
Athletic fields, baseball, football or boxing stadiums and arenas; race tracks	Three seats
Golf courses	Per employee and four parking spaces for each hole
Golf or baseball driving range	One-half stall

Airports	per employee and for each two airplanes in storage

BE IT FURTHER ORDAINED THAT:

That Appendix B - Zoning Ordinance, Article 12 – Definitions b amended by inserting the text indicated in bold, red and deleting the text indicated in red strikeout, as follows:

Day care facility: For the purposes of this ordinance, the facilities described furnishing care, supervision and guidance of a child or group of children unaccompanied by [a] parent or guardian for periods of less than 24 hours per day shall be defined as follows:

(a) ~~*Day care center*~~ ***Day Care Center****:*

i. Any place, other than an occupied residence, which receives children for day care or ~~group day care home~~ **Large Family Day Care Home**; and

ii. Any place, including an occupied residence, which receives ~~12~~ **13** or more children for day care.

(b) ~~*Family day care home*~~ ***Family Day Care Home****:* An occupied residence in which a person provides day care for children other than his/her own family and the children of close relatives. Such care in a ~~family day care home~~ **Family Day Care Home** is limited to that care given to six or fewer children. Such child care facility shall be permitted as an accessory use in all residential zones and shall be exempt from obtaining a conditional use permit **and site plan approval**.

(c) ~~*Group day care home*~~ ***Large Family Day Care Home****:* A facility which provides child care for more than six, but less than ~~12~~ **13** children. This care may be offered in a private home or in a property converted to the purpose of providing child day care.

UTILITY COMMITTEE

The Utility Committee Meeting was held on April 9, 2007 at 5:00 p.m. with Chairman Carey presiding. Members present were Mr. Ruane, Mr. Slavin, Mr. Cregar, and Mr. Snaman. Members of Council present were Mr. McGlumphy and Mr. Hogan (arrived at 5:11 p.m.).

AGENDA ADDITIONS/DELETIONS

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

Evaluation of Bids - System Control and Data Acquisition (SCADA) Maintenance Contract

Members were advised that the Public Utilities Department operates two (2) fixed System Control and Data Acquisition (SCADA) systems to monitor and control 14 electric substations, two (2) power generation facilities, 23 water wells, one (1) water treatment plant, and 38 wastewater pumping stations. In addition, the Public Utilities Department operates the communication system for each location which communicates either through fiber optics or a radio system. In previous years, there was a SCADA Technician (City employee) that was assigned to this function; however, when that employee retired, it was decided to disperse the duties of this position to current employees and issue a "support" contract to minimize expenses. It has been determined that this practice should be continued and that expenses be monitored to ensure that there continues to be a cost savings; therefore, proposals were solicited for a SCADA maintenance contract to continue this practice.

Request for proposals were distributed to two (2) local, potential vendors as well as advertisement according to City policy. There was only one (1) response to the request received. Staff recommended awarding the contract to Donovans Contractual Services (DCS) at $50 per hour, not to exceed $57,500 in expenses in any fiscal year. The contract duration is for one year, with the City having the ability to extend the contract for an additional two (2) years. Mr. Lunt, Public Utilities Manager, explained that by structuring the contract in this form, the City can monitor the expenses and hire an employee if it is determined that it would be more economically prudent.

Mr. Lunt advised members that the services to be provided under this contract include support for the current staff that is responsible for the maintenance and repair of the SCADA components and assistance with the upgrade of obsolete equipment. In addition, the contractor will assist staff with the troubleshooting and repair of the radio/fiber communication system.

Responding to Mr. Ruane's concerns regarding the two (2) engineering positions that are currently vacant, Mr. Lunt explained that these are critical positions; however, the market is such that qualified, experienced engineers are not willing to work for the wages the City offers. It was his opinion that the City may need to employ junior engineers and hire individuals that have just graduated from college. Mr. Lunt stated that the minimum salary requested by these engineers is more than any other City employee, including the City Manager. Based on the market conditions, Mr. Ruane suggested the possibility of combining the salaries for the two (2) vacant positions and the contractual monies to achieve the salary for one (1) engineer.

In response to Mr. McGlumphy, Mr. DePrima explained that the former Public Utilities Director felt that a full-time SCADA Technician was needed. It was subsequently decided that a full-time SCADA Technician was not needed. There are current staff members that can be trained, cross-

trained, and backup-trained, to perform some of these duties. Also, having an engineer on board who understands the duties would provide assurance that these duties are being accomplished. Mr. DePrima explained that there is an overlap between conducting technical work and engineering. The feeling is that once the engineers are on board, employees can be cross-trained. Considering that the maximum cost to the City for this contract is $57,500, he stated that the City will be saving money since it would not be possible to hire an employee, including fringe benefits, etc. for less than $100,000.

Mr. Slavin moved to recommend approval of staff's recommendation to award the SCADA Maintenance Contract to Donovans Contractual Services (DCS) at $50 per hour, not to exceed $57,500 in expenses in any fiscal year; and that the contract duration be for one year, with the City having the ability to extend the contract for an additional two years. The motion was seconded by Mr. Snaman and unanimously carried.

Brown Water Update

Mrs. Duca, Assistant City Engineer, reviewed the Brown Water Financial Update/Water Quality Expense Report, which represents a consolidation of expenses that have occurred during the past six (6) years, since water quality concerns and brown water problems began occurring. She stated that the next flushing is scheduled for the week after July 4, 2007.

Mr. Slavin requested that the spreadsheet provided to members be revised to include two (2) additional lines, as follows: 1) a correlation of the total number of complaints and expenses for each of the fiscal years; and 2) the percentage of the complaints that are received during the flushing periods. Responding, Mr. DePrima stated that he had requested this information from staff and had received a report just prior to this meeting. He stated that the report will be forwarded to Council, which will reflect a day-by-day report of the streets where the flushing operation occurred, what was discovered, and the number of complaints received.

At the request of Mr. DePrima, Mrs. Duca explained that the Bayard Avenue site includes a tank and well, and that the tank was not functioning properly due to the altitude valve. The valve would help control the release of the water in the tank so that if the pressure is low in the system, the tank would release and refill when they stabilized, which helps control the potential for stagnant water. It was also necessary for achieving the necessary contact time because they are both in the same location. Mrs. Duca explained that staff needs the ability to refill the pipe or the tank from the well for the contact time to work properly. That has been completed. The contact chamber for the well itself is what is out for bid now.

Mr. DePrima reminded members that it was decided that rather than replacing the pipe in Bayard Avenue, additional strategies would be developed, such as opening valves, installation of an additional hydrant, and repair of the well-head. Since complaints have not been received from the residents of Bayard Avenue, he questioned if the strategies have solved the problem. Responding, Mrs. Duca stated that although there were complaints received immediately following the tie-in of Bayard Avenue and Division Street, to her knowledge, there have not been any complaints received since then. However, she stated that there have been complaints received from the Greenhill Road area, which is actually a separate issue from the large main.

Mr. Carey felt that the City should determine a means to expedite this program. Responding, Mr. DePrima reminded members that the plan was to accomplish the contact time before streets are torn apart to replace water mains, since it was felt that the contact time could solve a majority of the problems. Staff's strategy was to focus on the contact time to see what impact that has and then determine which pipe should be replaced. He noted that there are pipes that are over 100 years old that can be scheduled to be replaced. Mr. DePrima assured members that staff is aware of the sentiments of Council, as relayed during the Council Retreat, that the issue of replacing pipes should be accomplished concurrently with the contact time. As a result, the Public Services Director is working on this being accomplished in conjunction with the street program.

Responding to Mr. Ruane regarding the upcoming budget, Mrs. Duca stated that she has submitted staffing requests and a CIP for planned implementation for the replacement of the pipes, which has been presented to the City Manager for preliminary review. Mr. Ruane expressed his hope that the City Manager will complete this review in time for this project to be included in the City's Annual Budget and will include a revenue source to address these expenses. Mr. Ruane commended Mrs. Duca and her staff for the sacrifices made due to the erratic schedule to conduct the flushing operations.

Mr. McGlumphy requested that the next update include details regarding the expenditures, such as details for the expense amount of $180,790.94 for water quality improvements (recommendation implementation).

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

Meeting Adjourned at 5:47 P.M.

Respectfully submitted,

Carleton E. Carey, Sr.
Chairman

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LEGISLATIVE, FINANCE AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held on April 9, 2007, at 6:00 p.m. with Chairman Salters presiding. Members present were Mr. Hogan, Mr. Slavin, and Mr. Shevock. Mrs. Jones was absent. Members of Council present were Mr. Carey and Mr. Ruane.

AGENDA ADDITIONS/DELETIONS

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

Luther Village Subdivision Waiver - Street Frontage

Members considered a request for a public street frontage waiver for Luther Village, Phase 2. The requirements for a parcel to have frontage on a public street is in accordance with Article VI, Section E5 of the Land Subdivision Regulations and the provisions for waivers are in accordance with Article VII, Section A, Subsection 1. The Planning Commission recommended granting the waiver from the required street frontage for Luther Village, Phase 2.

Mrs. Townshend, Planning and Inspections Director, advised members that similar waiver requests were granted for the Luther Village PND: Phase 1 Site Plan and Minor Subdivision application to allow for the Phase 1 Building to exist on a smaller parcel area in order to meet grant funding requirements. Mr. DePrima, City Manager, explained that Federal funding requires separate lots for each building and that internal roads have been created within the subdivision.

Mr. Slavin moved to recommend approval of the waiver from the required street frontage for Luther Village, Phase 2, as recommended by the Planning Commission. The motion was seconded by Mr. Shevock and unanimously carried.

Evaluation of Bids - HVAC System for Public Utilities Department

Bids were solicited for the replacement of the HVAC system for the Public Utilities Department. Members were advised that the current system is in dilapidated condition and is non-functional and that it is the original system that was installed when the building was erected in 1985. Staff recommended awarding the bid to the successful bidder, All-Phase Heating and Cooling, LLC, in the amount of $53,116.

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

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

Meeting Adjourned at 6:07 P.M.

Respectfully submitted,

Reuben Salters
Chairman

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**SPECIAL JOINT CITY COUNCIL,
LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE,
PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE,
SAFETY ADVISORY AND TRANSPORTATION COMMITTEE, AND
UTILITY COMMITTEE MEETING**

Members of City Council, the Legislative, Finance, and Administration Committee, the Parks, Recreation, and Community Enhancement Committee, the Safety Advisory and Transportation Committee, and the Utility Committee met on April 12, 2007 at 5:30 p.m., with Vice President Salters (also Chairman of the Legislative, Finance, and Administration Committee) presiding in the absence of Council President Williams. Council members present were Mr. Carey (also Chairman of the Utility Committee and a member of the Safety Advisory and Transportation Committee), Mrs. Russell and Mr. McGlumphy (also members of the Parks, Recreation, and Community Enhancement Committee), Mr. Slavin (also a member of the Legislative, Finance, and Administration and Utility Committees), Mr. McGiffin (also a member of the Safety Advisory and Transportation Committee), Mr. Hogan (Chairman of the Safety Advisory and Transportation Committee and member of the Legislative, Finance, and Administration Committee), and Mr. Ruane (Chairman of the Parks, Recreation, and Community Enhancement Committee and member of the Utility Committee). Civilian committee members present were Mr. Cregar, Mr. Lakeman (departed at 6:15 p.m.), Mr. Shevock, and Mr. Snaman. Council staff members present were Mr. DePrima and Mrs. McDowell.

The invocation was given by Vice President Salters.

AGENDA ADDITIONS/DELETIONS

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

DELAWARE CIVIC CENTER MULTI-PURPOSE ARENA PRESENTATION BY CAROLYN COURTNEY, DELAWARE CIVIC CENTER ADMINISTRATOR

Ms. Carolyn Courtney, Delaware Civic Center Administrator, and Mr. D. Wayne Holden, Vice President of the Delaware Civic Center Corporation, presented a promotional video of the proposed Delaware Civic Center Multi-Purpose Arena. They noted that the arena would be approximately 200,000 gross square feet with concert seating for 9,100, and ice hockey seating for 7,400. Suites, premium seating, and general seating would also be available. Potential uses include ECHL East Coast Hockey League, ice shows, concerts, entertainers, trade shows, fire conventions, technology events, and boat, marine, and auto expo's, Delaware State University Basketball (Men's and Women's), athletic tournaments, conference events, wrestling, convocations and graduations for Delaware schools (grades K-12 and Delaware Colleges). The building is expected to have no less 145 events annually.

Mr. Holden advised members that the project cost is approximately $60M. He noted that the State Legislature has passed a Resolution authorizing Kent County to issue $20M in bonds. Mr. Holden also noted that Kent County has contributed $5M, the State will contribute between $7 and $9M next year, and Delaware State University is contemplating a small equity contribution to the project. He advised members that they are exploring additional options for gap closure – such as Local and County level governmental cash funding, private investors, grants, and options as determined by Corporation members and consultants.

Mr. DePrima, City Manager and member of the Delaware Civic Center Corporation, explained that the City of Dover could contribute by creating a special taxing district to benefit that district, similar to the Business Improvement District (BID) tax area downtown. He noted that a 10% tax could produce $3.53M annually and a 15% tax would produce approximately $5M annually. The Corporation could then borrow economic development funds. Mr. DePrima noted that this idea is only being considered and has not been discussed with the business owners along Route 13. Members reviewed a cash flow worksheet for the project *(Exhibit #1)*. He advised members that the project would be considered by the State Bond Bill Committee on May 2, 2007 and the Delaware Civic Center Corporation would like to have the City's support for the project.

Mr. Carey moved to request the City Clerk to prepare a Resolution for the Delaware Civic Center, similar to the one adopted by Kent County, for consideration by City Council at their next meeting. The motion was seconded by Mr. Hogan.

Responding to Mr. Slavin, Mr. Carey stated that the Kent County Resolution does not address funding; only support for the project.

Mr. Slavin moved to amend the motion to refer the proposed Resolution to the Legislative, Finance, and Administration Committee for consideration at their next meeting, seconded by Mr. Ruane and carried with Mr. Hogan voting no.

The motion to request the City Clerk to prepare a Resolution for the Delaware Civic Center, similar to the one adopted by Kent County, for consideration by the Legislative, Finance, and Administration Committee at their next meeting was unanimously carried.

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

Meeting Adjourned at 6:34 P.M.

Respectfully submitted,

Reuben Salters
Council Vice President

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Exhibits Attached to Original Minutes and File Copy
Exhibit #1 - Cash Flow Worksheet



RESOLUTION

WHEREAS, the Delaware Civic Center is a sporting and entertainment arena which will benefit all residents of the State of Delaware; and

WHEREAS, the Delaware Civic Center will host the Delaware State University men's and women's athletics, support professional hockey, arena football, a venue for youth sports, high school tournaments and senior citizens championships; and

WHEREAS, the Delaware Civic Center will host trade shows, conventions, music concerts, comedy troupes, commencement ceremonies, and events related to tourism and hospitality which are the State of Delaware's fastest growing industries; and

WHEREAS, the Delaware Civic Center will serve as an economic development booster; supporting area businesses, restaurants and hotels; and

WHEREAS, the Delaware Civic Center will host big city events without the big city cost and the need to travel, and it will support family activities such as Ice Capades, the Circus, Disney on Ice, and The Wiggles; and

WHEREAS, the Delaware Civic Center is centrally located; providing easy access to residents of New Castle and Sussex County, as well as the nearby states of Maryland, Pennsylvania, and Virginia.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Dover, Delaware declare their support for the construction of the Delaware Civic Center arena as a viable entertainment venue for all residents of the State of Delaware.

BE IT FURTHER RESOLVED that this resolution be adopted this 23rd Day of April, 2007 and that the City Clerk is directed to place this Resolution in the permanent records of the City of Dover in recognition of the City's support for the Delaware Civic Center.

ADOPTED: *

STEPHEN R. SPEED
MAYOR

BEVERLY C. WILLIAMS
COUNCIL PRESIDENT

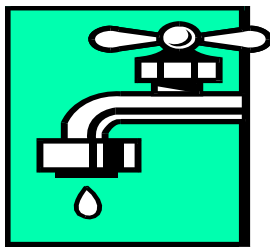
CITY OF DOVER

FINANCE DEPARTMENT

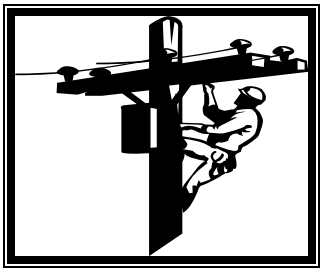
MONTHLY BUDGET REPORT

MARCH 2007









PREPARED BY: FINANCE DEPARTMENT

PLEASE NOTE – THIS REPORT PROVIDES TOP LINE INFORMATION ON THE THREE MAJOR OPERATING FUNDS. IF YOU WOULD LIKE ADDITIONAL INFORMATION, PLEASE FEEL FREE TO CONTACT THE FINANCE DEPARTMENT.

City of Dover
Finance Department
Monthly Budget Report
March 2007

Strategic Objectives for Fiscal Year 2006 – 2007

1. Coordinate the preparation of the Comprehensive Annual Financial Report (CAFR) within the budget timetable.

2. Conduct a comprehensive review of the Finance Department's procedure manual.

3. Conduct an internal control risk assessment.

ACTIVITY LEVELS

	FY06 – YTD	FY07 – YTD
Bank Trends		
Total Amount of All Deposits (A)	$ 75,160,213	$ 97,960,812
Number of Bank Accounts	28	28
Payroll:		
Number of Pay Periods	20	20
Number of Payroll Checks	7,768	8,496
Number of Pension Checks	1,950	1,979
Total Gross Payroll	$ 13,401,058	$ 14,206,071
Total Pension Payments	$ 2,878,092	$ 2,968,694
Total Overtime	$ 507,607	$ 527,627
Accounts Payable:		
Number of Vouchers	6,377	5,920
Dollar Amount Disbursed (B)	$ 16,439,778	$ 19,232,714
Wire Transfers (B)	$ 46,920,289	$ 71,021,920

(A) The FY07-YTD deposits have been corrected to include credit cards and ACH credits.

(B) Wire transfers and disbursements increase reflective of higher electric power supply costs and vendors requiring wires.

City of Dover
Finance Department
Monthly Report – March 2007

General Fund Summary

	Budget	Revised Budget	YTD	Balance	75% of Budget
Receipts					
Beginning Balance	$ 4,232,792	$ 5,437,696	$ 5,437,696	$ -	100.0%
Court of Chancery Fees	710,000	750,000	523,980	226,020	69.9%
Fines & Police Revenues	1,174,000	1,174,000	770,147	403,853	65.6%
Franchise Fees	410,000	422,000	324,849	97,151	77.0%
Grants	524,435	649,435	230,057	419,378	35.4%
Intrafund Services	5,045,735	5,098,821	3,568,124	1,530,697	70.0%
Library & Recreation Revenues	495,000	495,000	360,669	134,331	72.9%
Licenses & Permits	2,310,000	2,310,000	2,303,742	6,258	99.7%
Property Taxes	9,148,680	9,254,909	8,963,571	291,338	96.9%
Sanitation Revenues	1,282,540	1,306,540	1,013,366	293,174	77.6%
Transfer Taxes	2,900,000	2,900,000	2,187,811	712,189	75.4%
Transfers-In from Grants/Reserves & Utilities					
Civil Traffic Penalties Fund	950,000	950,000	357,988	592,012	37.7%
Electric Fund	5,700,000	4,700,000	2,000,000	2,700,000	42.6%
Municipal Street Aid Fund	660,000	656,504	492,847	163,657	75.1%
Parkland Reserve	964,800	964,800	139,905	824,895	14.5%
Water/Wastewater Fund	535,000	535,000	267,500	267,500	50.0%
Capital Asset Reserve	-	324,824	324,824	-	100.0%
Other Miscellaneous Revenues	421,267	581,267	453,890	127,377	78.1%
Total	$ 37,464,249	$ 38,510,796	$ 29,720,966	$ 8,789,830	77.2%
Expenditures					
City Clerk & Council	$ 427,580	$ 385,548	$ 246,846	$ 138,702	64.0%
Mayor, City Manager & Human Resources	1,156,375	1,188,848	765,707	423,141	64.4%
Police & Police Extra Duty	12,064,643	12,019,793	8,595,658	3,424,135	71.5%
Public Works	5,610,189	5,376,699	3,785,285	1,591,414	70.4%
Central Services	2,839,137	2,811,470	2,110,489	700,981	75.1%
Planning & Inspections	1,529,567	1,682,206	1,113,437	568,769	66.2%
Finance, Info Tech & Customer Services	2,693,845	2,742,595	1,933,316	809,279	70.5%
Library & Recreation	2,815,806	2,892,038	1,366,832	1,525,206	47.3%
Fire	1,299,787	1,149,787	767,085	382,702	66.7%
Assessor	273,777	264,777	161,128	103,649	60.9%
Debt Service	441,232	441,232	441,232	-	100.0%
Insurance	465,980	465,980	345,614	120,366	74.2%
Retirees' Health Care	763,982	763,982	554,148	209,834	72.5%
Street Lights	746,200	662,200	396,346	265,854	59.9%
DSWA Recycling Program	24,000	24,000	9,622	14,378	40.1%
Provision for Uncollectibles	10,000	10,000	-	10,000	0.0%
I/T Emergency Preparedness Plan	-	100,000	70,145	29,855	70.1%
Transfers Out					
OPEB Fund	250,000	250,000	250,000	-	100.0%
Pension Fund	402,204	402,204	402,204	-	100.0%
Contingency Reserve	8,007	-	-	-	-
Parkland Reserve-Dover Downs Kent County	350,000	350,000	509,504	(159,504)	145.6%
Library Escrow	583,500	1,620,970	1,621,147	(177)	100.0%
Budget Bal-Working Capital	2,708,438	2,906,467	-	2,906,467	0.0%
Total	$ 37,464,249	$ 38,510,796	$ 25,445,745	$ 13,065,051	66.1%

Reserve Balances-Unaudited			
Contingency	$ 665,125	$ 653,589	**$ 640,385**
Capital Asset Replacement	$ 340,908	$ -	**$ -**
Parkland/Recreation	$ 2,002,232	$ 2,002,232	**$ 2,547,407**
Library Reserve	$ 683,500	$ 1,720,970	**$ 1,754,476**

City of Dover
Finance Department
Monthly Report – March 2007

Water/Wastewater Fund Summary

	Budget	Revised Budget	YTD	Balance	75% of Budget
Revenue					
Beginning Bal-Water	$ 2,065,305	$ 2,041,746	$ 2,041,746	$ -	100.0%
Beginning Bal-Wastewater	968,218	808,997	808,997	-	100.0%
Beginning Bal-Kent Co Sewer Adj.	(1,642,113)	(1,349,486)	(1,349,486)	-	100.0%
Water Fees	4,222,500	4,222,500	3,180,763	1,041,737	75.3%
Water Tank Leases	303,000	303,000	179,405	123,595	59.2%
Wastewater Fees	2,618,250	2,618,250	1,966,321	651,929	75.1%
Impact Fees	750,000	750,000	379,758	370,242	50.6%
Kent County Treatment Fees	3,761,010	3,761,010	2,901,645	859,365	77.2%
Miscellaneous	176,750	176,750	141,702	35,048	80.2%
Total	$ 13,222,920	$ 13,332,767	$ 10,250,851	$ 3,081,916	76.9%
Expenses					
Water	$ 962,106	$ 956,303	$ 595,013	$ 361,290	62.2%
Water Treatment Plant	796,627	796,627	591,345	205,282	74.2%
Wastewater	835,162	829,359	541,401	287,958	65.3%
Water Meter Reading	67,077	67,077	46,491	20,586	69.3%
Construction & Inspection	569,216	572,216	375,421	196,795	65.6%
Kent County Treatment Fees	3,853,000	3,853,000	2,749,874	1,103,126	71.4%
Retiree's Health Care	151,220	151,220	95,493	55,727	63.1%
Debt Service	1,583,076	567,258	593,722	(26,464)	104.7%
Intrafund Services	1,176,357	1,182,000	808,693	373,307	68.4%
Transfers Out					
General Fund	535,000	535,000	267,500	267,500	50.0%
Capital Asset Reserve	300,000	895,557	300,000	595,557	33.5%
Water/Wastewater I & E Fund	666,973	666,973	666,973	-	100.0%
Impact Fee Reserve	89,756	89,756	-	89,756	0.0%
Pension COLA	39,850	39,850	39,850	-	100.0%
Pension Unfunded Liability	50,225	50,225	50,225	-	100.0%
OPEB Fund	50,000	50,000	50,000	-	100.0%
Working Capital - Ending Budget Balance - Water	1,976,441	1,964,208	-	1,964,208	0.0%
Working Capital - Ending Budget Balance - WW	1,254,937	1,517,459	-	1,517,459	0.0%
Working Capital - Ending Budget Balance - KSA	(1,734,103)	(1,451,321)	-	(1,451,321)	0.0%
Total	$ 13,222,920	$ 13,332,767	$ 7,772,001	$ 5,560,766	58.3%
Reserve Balances - Unaudited					
Contingency-Water	$ 118,945	$ 119,137	**$ 107,550**		
Contingency-Wastewater	$ 124,090	$ 124,290	**$ 120,206**		
Impact Fee Reserve	NO BUDGET	NO BUDGET	**$ 2,188,154**		
Bond Coverage Ratio (Covenant 1.20)	**1.69**	**4.69**	**4.50** *		

* High ratio attributed to timing of expenses and transfers.

City of Dover
Finance Department
Monthly Report – March 2007

Electric Revenue Fund Summary

	Budget	Revised Budget	YTD	Balance	75% of Budget
Revenue					
Beginning Balance	$ 4,974,107	$ 5,455,085	$ 5,455,085	$ -	100.0%
Sales to Customers	81,578,240	83,936,440	61,822,712	22,113,728	73.7%
Utility Tax	1,937,446	1,426,800	1,103,131	323,669	77.3%
Weyandt Hall Rents	145,505	145,505	117,146	28,359	80.5%
Miscellaneous Revenues	1,004,900	2,139,250	1,380,821	758,429	64.5%
Duke Contract Revenue	-	800,000	-	800,000	0.0%
Transfer from Rate Stabilization Reserve	5,000,000	5,758,000	4,318,500	1,439,500	75.0%
Total	$ 94,640,198	$ 99,661,080	$ 74,197,395	$ 25,463,685	74.4%
Expenses					
Power Supply & Generation					
Power Supply	$ 65,154,000	$ 63,753,400	$ 44,355,115	$ 19,398,285	69.6%
Power Supply Management/Incentive	2,175,000	3,056,200	2,292,150	764,050	75.0%
PJM Charges - Load	-	-	2,787,697	(2,787,697)	-
Total Power Supply	67,329,000	66,809,600	49,434,962	17,374,638	74.0%
Plant Operations	6,126,384	5,483,923	3,802,260	1,681,663	69.3%
Generation Fuels	-	-	3,346,268	(3,346,268)	-
PJM Credits	(6,126,384)	(1,520,923)	(2,991,531)	1,470,608	196.7%
Total Generation	-	3,963,000	4,156,997	(193,997)	104.9%
Total Power Supply & Plant	67,329,000	70,772,600	53,591,959	17,180,641	75.7%
Electric Operating Divisions	6,169,365	6,026,320	4,381,380	1,644,940	72.7%
Utility Tax	1,937,446	1,426,800	1,103,131	323,669	77.3%
Transition Costs	-	92,000	87,001	4,999	0.0%
Interest on Deposits	25,000	25,000	29,159	(4,159)	116.6%
Retirees Health Care	526,400	526,400	375,911	150,489	71.4%
Accounts Receivable Write-Offs	125,000	-	-	-	0.0%
Green Energy Payment to DEMEC	-	134,350	102,510	31,840	0.0%
Debt Service	2,149,048	2,149,048	2,041,307	107,741	95.0%
Intrafund Services	3,869,378	3,916,821	2,759,431	1,157,390	70.5%
Transfers Out					
General Fund	5,700,000	4,700,000	2,000,000	2,700,000	42.6%
Pension COLA	101,692	101,692	101,692	-	100.0%
Pension Unfunded Liability	89,271	89,271	89,271	-	100.0%
Rate Stabilization Reserve	500,000	-	-	-	0.0%
Post-Retirement Benefit Fund	100,000	100,000	100,000	-	100.0%
Budget Bal. - Work. Capital	6,018,598	9,600,778	-	9,600,778	0.0%
Total	$ 94,640,198	$ 99,661,080	$ 66,762,752	$ 32,898,328	67.0%
Reserve Balances - Unaudited					
Contingency Reserve	$ 866,602	$ 861,631	**$ 840,641**		
Insurance Reserve	$ 234,286	$ 232,908	**$ 232,566**		
Rate Stabilization Reserve	$ 885,607	$ 376,981	**$ 376,918**		
Bond Coverage Ratio (Covenant 1.25)	**1.52**	**2.46**	**2.10**		
Purchased/Generated MWh	784,862	784,862	**599,340**		
All In MWh Supply & Generation	$ 85.785	$ 90.172	$ 89.418		

City of Dover
Finance Department
Monthly Report – March 2007

Water/Wastewater Improvement & Extension Fund Summary

	Budget	Revised Budget	YTD	Balance	75% of Budget
Revenue					
Beginning Balance-Water	$ 44,148	$ 142,798	$142,798	$ -	100.0%
Beginning Balance-Wastewater	258,767	375,289	375,289	-	100.0%
Beginning Balance-Bond Proceeds-Wastewater	-	240,083	240,083	-	100.0%
Interest Earned	20,000	20,000	16,774	3,226	83.9%
Transfer from Water WW for Water	551,701	551,701	551,701	-	100.0%
Transfer from Water WW for WasteWater	115,272	115,272	115,272	-	100.0%
Transfer from Impact Fee Reserve	850,000	1,024,998	300,000	724,998	29.3%
Total	$ 1,839,888	$ 2,470,141	$ 1,741,917	$ 728,224	70.5%
Expenses					
Water	$ 562,025	$ 639,672	$ 353,630	$ 286,042	55.3%
Wastewater	1,221,215	1,762,818	850,948	911,870	48.3%
Water Treatment Plant	31,000	31,000	30,061	939	97.0%
Water Meter Reading	5,648	5,648	-	5,648	0.0%
Budget Bal. Water - Working Capital	10,000	31,003	-	31,003	0.0%
Budget Bal. Wastewater - Working Capital	10,000	-	-	-	0.0%
Total	$ 1,839,888	$ 2,470,141	$ 1,234,639	$ 1,235,502	50.0%
Reserve Balances - Unaudited					
Capital Asset Replacement - Water	$ 508,084	$ 507,694	**$ 507,815**		
Capital Asset Replacement - Wastewater	$ 508,084	$ 507,694	**$ 507,816**		

City of Dover
Finance Department
Monthly Report – March 2007

Electric Improvement & Extension Fund Summary

	Budget	Revised Budget	YTD	Balance	75% of Budget
Revenue					
Beginning Balance	$ 2,471,378	$ 2,709,730	$ 2,709,730	$ -	100.0%
Interest Earnings	214,000	214,000	139,831	74,169	65.3%
Transfer from Depreciation Fund	3,374,792	2,070,238	2,070,238	-	100.0%
General Service Billing	645,749	645,749	-	645,749	0.0%
DEMA Grant	-	39,500	39,500	-	100.0%
Total	$ 6,705,919	$ 5,679,217	$ 4,959,299	$ 719,918	87.3%
Expenses					
Transmission/Distribution	$ 1,656,654	$ 1,970,654	$ 1,532,468	$ 438,186	77.8%
Electrical Engineering	4,972,724	3,388,360	1,280,731	2,107,629	37.8%
Administration	16,300	73,500	-	73,500	0.0%
Meter Reading	60,241	32,000	-	32,000	0.0%
Budget Bal. - Work. Capital	-	214,703	-	214,703	0.0%
Total	$ 6,705,919	$ 5,679,217	$ 2,813,199	$ 2,866,018	49.5%
Reserve Balances - Unaudited					
Depreciation Reserve	$ 13,053,078	$ 12,985,426	**$ 14,083,188**		
Future Capacity Reserve	$ 8,950,350	$ 8,913,314	**$ 8,891,196**		

Dover Police Department

Monthly Report
To
Mayor & City Council

"To Protect and Serve"

March 2007

DEPARTMENT OF POLICE

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

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

April 17, 2007

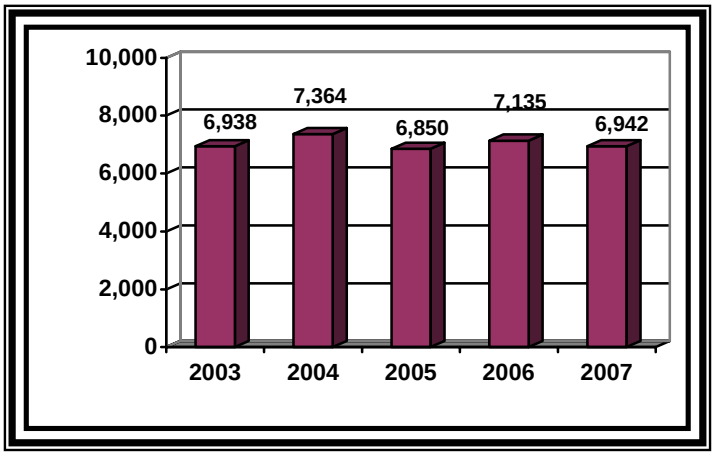
The Honorable Stephen R. Speed, Mayor
Members of Dover City Council
City Hall
Dover, DE 19901

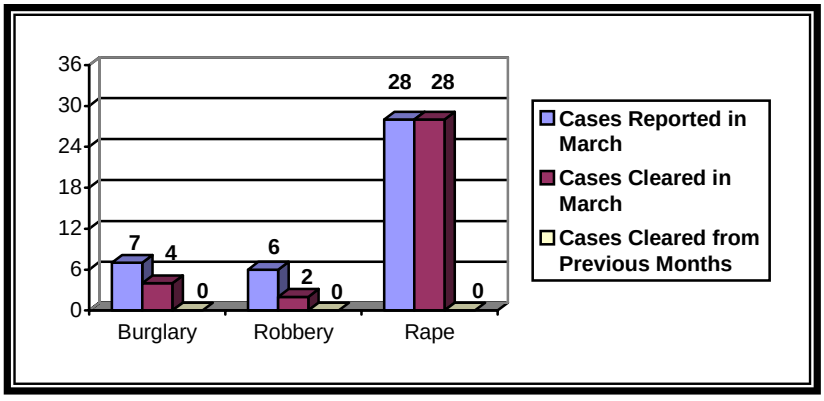
Mayor Speed and Council Members:

The following is the report on Police Department activities for the month of March 2007:

COMPLAINTS

Total complaints received through March 31st, numbered 6,942. This is a decrease of 193 complaints over the same time period for last year.

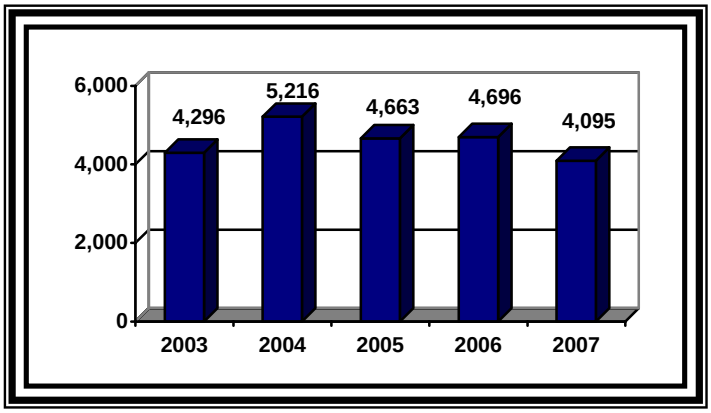




CRIMINAL INVESTIGATIONS

QUALITY OF LIFE TASK FORCE

ENFORCEMENT ACTION	ARRESTS
ABANDONED VEHICLES	3
ALCOHOL VIOLATIONS	1
ASSIST OTHER	38
WARRANTS ON FILE	17
BIKE ON SIDEWALK	0
CITY PARK VIOLATIONS	1
CRIMINAL ARRESTS	59
DRUG RELATED ARRESTS	14
LOUD MUSIC	1
MISCELLANEOUS VIOLATIONS	4
PARKING VIOLATIONS	11
COLLECTION OF DELINQUENT DCO'S	14
PEDDLER	0
PROSTITUTION	0
WANTED CHECKS /CPC's	12
WARNINGS/TRAFFIC ARREST	14
FUGITIVE	7
ARRESTS TOTAL	196

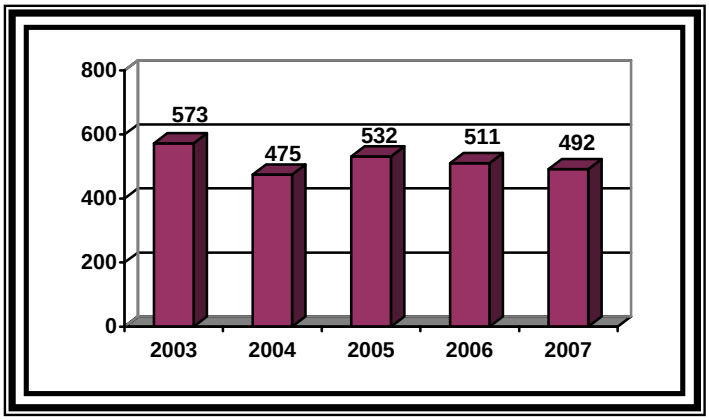


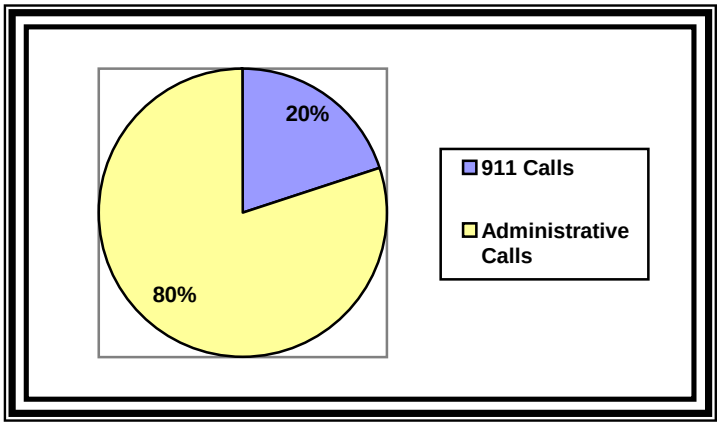
TRAFFIC ARRESTS

The department issued 4,095 traffic citations through this reporting period. This is a decrease of 601 citations over the number issued during the same period last year.

TRAFFIC ACCIDENTS

Through March 31st, Dover Police investigated 492 traffic accidents. This is a decrease of 19 accidents investigated during the same period last year.



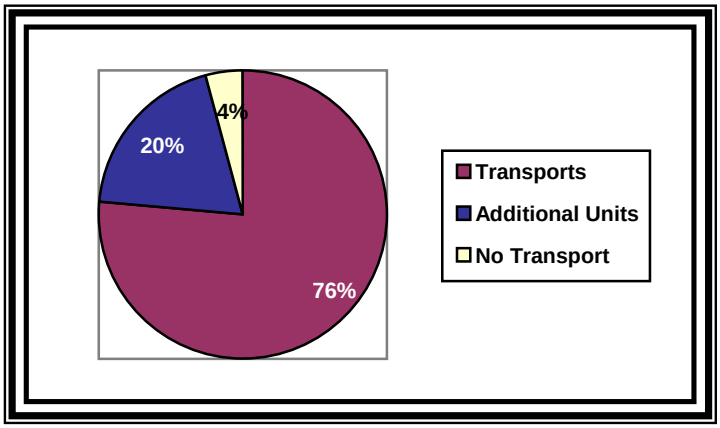


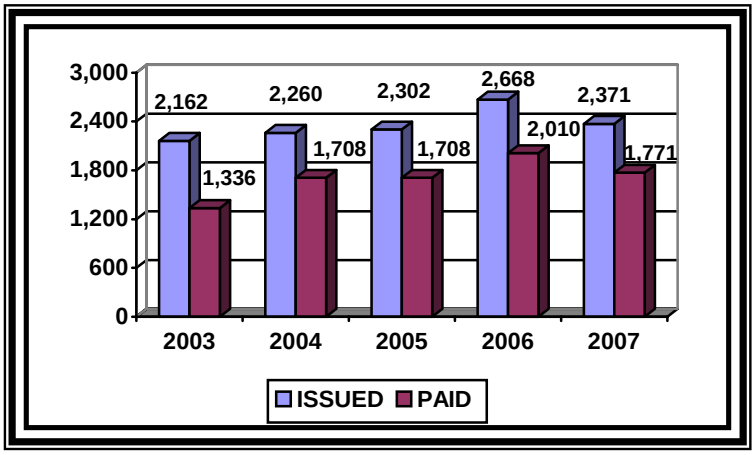
911 CENTER

During the month of March, our 911 Center handled a total of 10,968 calls averaging 354 calls per day. Dispatchers handled 2,193 calls on the 911 lines, an average of 71 calls per day.

EMERGENCY PREPAREDNESS & BASIC LIFE SUPPORT DIVISION:

Prime Care Medical Transport, Inc. responded to 459 emergency calls in March, resulting in 373 patient transports. The average response time from dispatch by 911 to arrival on scene was 7 minutes and 51 seconds. Additional units responded to 96 of the 459 calls.





CITY ORDINANCE SUMMONS

Through March 31st, we issued 2,371 city ordinance summons a decrease of 297 summons over March of last year. *Note: of those summonses issued in March, 28 were issued for handicapped parking violations, 24 for fire lane parking violations, 51 for false alarms (38 for 3-5 alarms,13 for 6-9 alarms, 0 for 10-15 alarms, and 0 for 16 or more alarms) and 8 for noise violations (4 for vehicle violations and 4 for residence violations).

Listed below are the major crimes and activities that occurred during the month of March:

- During the month of March, the Department held its Annual In-Service Training. Officers received training in policy review, suicide bombers, CPR, Gang awareness, weaponless defense, active shooter response, and firearms re-qualification.

- On March 5, 2007, Detectives arrested a 24 yr old subject for 25 counts of Rape 4th. Investigation revealed that the subject had forced his 14 year old stepdaughter to engage in intercourse with him between June 2006 and November 2006.

- On March 6, 2007, members of the Drugs, Vice, & Organized Crime Section conducted a prostitution sting in the downtown area of Dover. As a result of this operation three females were arrested for prostitution.

- On March 8, 2007, members of the Drugs, Vice, & Organized Crime Section executed a drug search warrant on S. Governors Avenue. As a result of the search warrant officers seized 7.7 grams of cocaine, and 21.9 grams of marijuana. Two subjects were charged with various drug offenses.

- On March 10, 2007, officers responded to South New Street, regarding a disturbed male. Upon arrival officers found a naked subject running in the street away from them. The subject was detained and medical personnel were requested. The subject was transported by ambulance to Kent General Hospital and died upon arrival. Investigation revealed that the subject had consumed PCP and died as a result of an adverse drug reaction.

- On March 10, 2007, Detectives investigated a Rape complaint against a physician's assistant at Kent General Hospital. Investigation revealed that while a 23 year old female was being examined for injuries she sustained in an automobile accident she was inappropriately touched by the physician's assistant. The subject was arrested on March 22nd and charged with Rape 4th.

Major crimes and activities that occurred during the month of March continued:

- On March 13, 2007, officers responded to Loockerman Street for a report of a subject with a rifle. Upon arrival officers contacted a 16 yr old male who was in possession of a toy AK 47 assault rifle and several throwing knives. The subject was arrested for carrying a concealed dangerous instrument.

- On March 15, 2007, Detectives arrested a subject for two counts of Robbery 1st. Investigation revealed that the subject approached a person in a vehicle waiting for a traffic light on New Street, displayed a handgun and demanded money. The subject then fled and confronted a female walking on the street and demanded money from her. The subject was arrested without incident a short time later by responding officers.

- On March 20, 2007, members of the Drugs, Vice, & Organized Crime Section executed a drug search warrant at Liberty Court Apartments. As a result of this search warrant officers seized 11.4 grams of cocaine and 15.5 grams of marijuana. Two subjects were arrested and charged with various drug offenses.

- On March 22, 2007, members of the Drugs, Vice, & Organized Crime Section executed a drug search warrant on New Castle Ave. As a result of this search warrant officers seized 9.9 grams of marijuana, an Ecstasy pill and 40 Xanax pills. Two subjects were arrested and charged with various drug offenses.

- On March 28, 2007, Francis Cooper was extradited back from Maryland to be charged with the December 8, 2006 murder of Alfred Clark. Cooper stabbed Clark multiple times during an argument on South Queen Street and later placed Clark's body inside a trash can.

- During the month of March, members of the Community Policing Section obtained arrest warrants for six sex offenders who failed to re-register address changes with the State Bureau of Identification. Four of the six subjects have been arrested.

Respectfully Submitted,



Jeffrey Horvath
Chief of Police

Monthly Report
March 2007

Office of City Assessor

City of Dover
Assessor's Monthly Report

Fiscal Year 2007

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	$ 3,145,743,800	$ (19,147,500)	$ (598,387,800)	$ 1,686,000	$ 2,529,894,500	$ 8,340,118	$ (45,990)	$ 8,294,128	$ 6,071,304	$ 2,430,111
August	3,147,429,800	(19,197,500)	(598,387,800)	(55,800)	$ 2,529,788,700	-	(540)	$ 8,293,588	1,631,316	798,256
September	3,147,374,000	(19,297,500)	(598,387,800)	5,145,800	2,534,834,500	-	12,725	$ 8,306,313	205,407	605,573
October	3,152,519,800	(19,297,500)	(598,387,800)	45,700	2,534,880,200	6,458	(1,704)	$ 8,311,067	93,426	516,901
November	3,152,565,500	(19,347,500)	(599,135,900)	(1,382,700)	2,532,699,400	-	(91)	$ 8,310,976	96,028	420,781
December	3,151,182,800	(19,297,500)	(599,135,900)	47,542,700	2,580,292,100	-	(5,215)	$ 8,305,761	34,669	380,898
**January	3,198,725,500	(19,297,500)	(599,135,900)	(2,331,000)	2,577,961,100	81,580	(3,858)	$ 8,383,483	75,570	383,050
February	3,196,394,500	(19,297,500)	(599,135,900)	-	2,577,961,100	-	(286)	$ 8,383,197	74,666	308,097
March	3,196,394,500	(19,297,500)	(599,135,900)	7,267,900	2,585,229,000	-	(27,384)	$ 8,355,813	59,282	221,430
April										
May										
June										
Tax Adjustments								$ 50,807		
Year to Date (excludes BID tax)				$ 57,918,600				**8,406,620**	**$ 8,341,668**	

** Carey Farm was taken off Assessment & added to Farm Land

Other Tax Related Cash Receipts

	Current Month	YTD
Penalties (recorded when received; not billed)	$ 21,514	$ 76,445
Pay In Lieu Of		
Luther Towers	$ -	13,165
Dover Housing	$ -	$ 7,500
State of Delaware	$ -	$ 353,614
		$ 374,279
Farmland Rollback		
Bay Road	$ -	$ 106,229
Total Property Tax Receipts		**$ 8,963,573**
Transfer Taxes	**$ 127,634**	**$ 2,315,445**

CITY MANAGER'S REPORT

March 2007



"ROAD TO RESULTS"

MONTHLY HIGHLIGHTS

Customer Services

- Two Account Clerk I positions have been filled and began work in mid-March.
- Customer Service Supervisor position posted.

Budget, Program Development

- Met with University of Delaware staff to review progress on revenue forecasting model and selected key revenues to forecast.
- Met with departments to review draft budgets and CIP projects.
- Participated in IUE contract negotiation meetings.
- Participated in demonstrations of E-government solution and citizen request management systems.
- Began work on fiscal 2008 draft budget.

Human Resources

- The Quarterly City Review returned and was distributed to all employees.
- Raised $1,300.00 for 2007 American Cancer Society Daffodil Days.
- 19th Annual Employee Appreciation Day was held on March 16, 2007.
- Held 2nd negotiation meeting with IUE Bargaining Unit.

Information Technology

- Continuing to work with third party vendor on reliability of fiber optic network.
- Upgraded iSeries operating system as IBM was retiring support for the prior one.
- Resolved two key VOIP phone issues. Caller-ID is now functioning and calls are no longer being dropped by the system in Customer Service.

Parks, Recreation, Library

- The library recorded 522 attendees participating in 18 different children's programs.
- The Delaware Lacrosse Foundation hosted 17 high school lacrosse teams from around the state for the Annual Ice Breaker Tournament in Schutte Park on March 10, 2007.
- Dover Park hosted more than 500 children, ages 10 & under, for this year's Annual Egg Hunt on March 31, 2007.

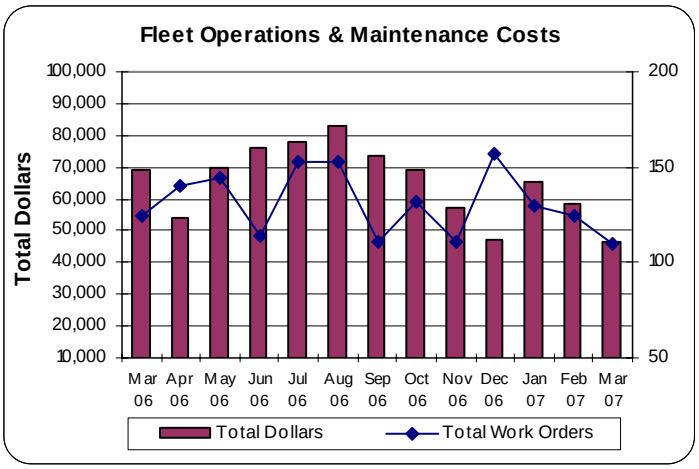
Public Services

- Staff continued with the implementation of the new organizational structure as well as the management audit.

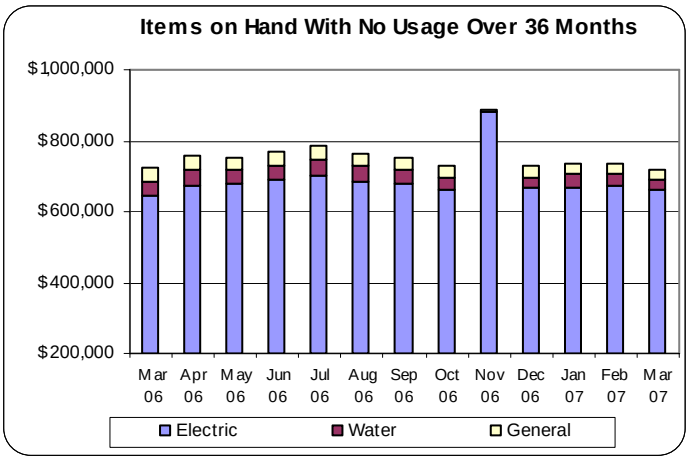
Public Utilities

- Water Distribution System flushing operations began March 11, 2007.

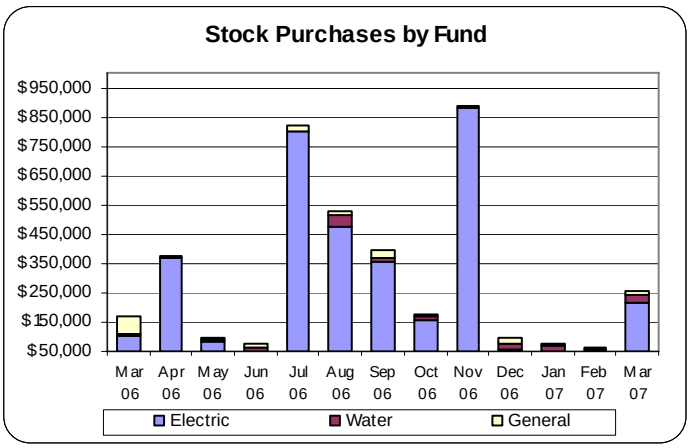
CENTRAL SERVICES



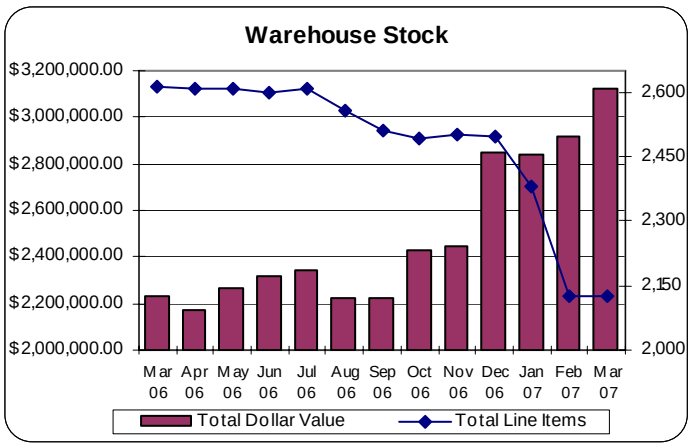
Work Orders: 110
Fleet Maintenance: $19,983.83 (excludes Melvin's Sunoco)
Fuel: $36,360.70



Electric: $660,905.24
Water: $ 28,501.32
General: $ 28,658.72



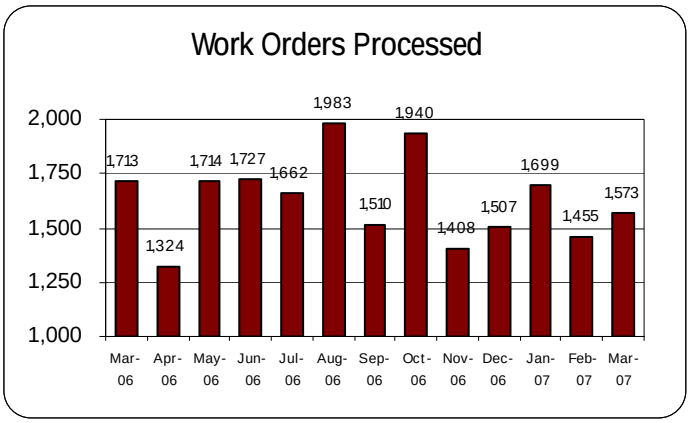
Electric: $216,858.61 Water: $6,250.45 General: $8,018.06

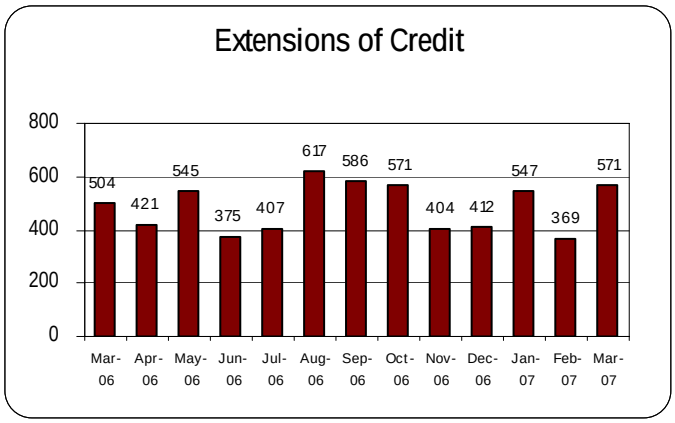


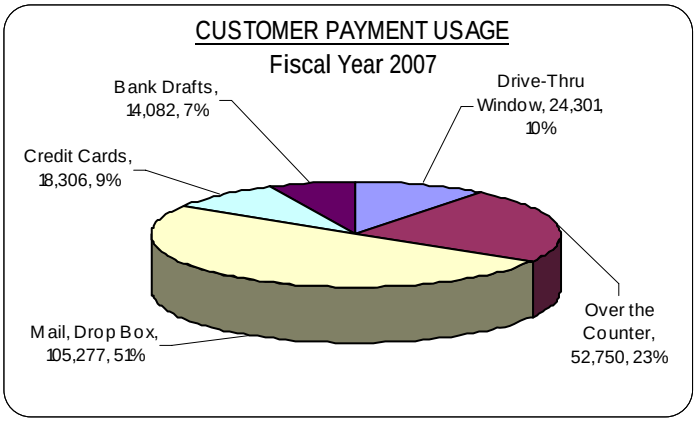
Total Dollar Value: $3,123,186.59 Total Line Items: 2,124

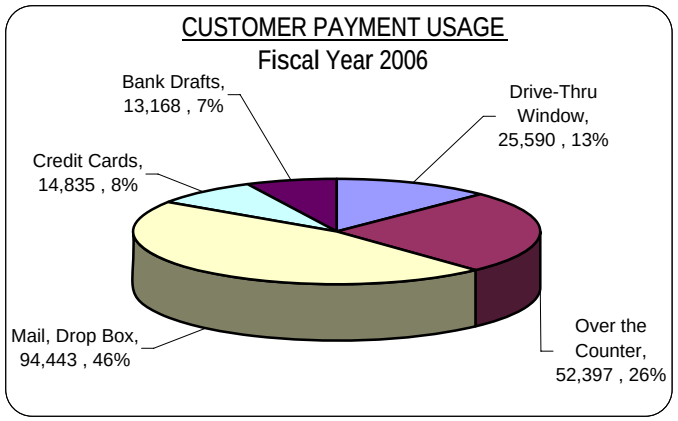
SOP / CIP Updates (percentages below represent percent completed)
Renovation of Pear Street Warehouse – Project #SP001. Ongoing – three-year project. (45%)
Fuel Management System – Bid opening held May 15, 2006. Bid awarded to Trak Engineering July 25, 2006. Parts received for system; vendor installed system and provided training. Fuel Management System in operation. (100%)
Examine possible alternatives to using an outside mail sorting service. Nothing to report this month.
Obtain space and training from the I/T Department to post bid tabulations on the City Web site by December 2006 – Per P. Gregg – Suggestion submitted to I/T Department last year. (0%)
Meet with Fleet Maintenance customers to examine ways to better schedule preventative maintenance so that more preventative maintenance can be completed on time. Nothing to report this month.
Space Needs Study Implementation – Project #FM0701 (48% overall program); I/T and Customer Service Representatives areas complete, 100%. Preparing to move the Finance Department to new location, 10%.

CUSTOMER SERVICES









Write-Offs/Electric Bills will be given in the April 2007 report.

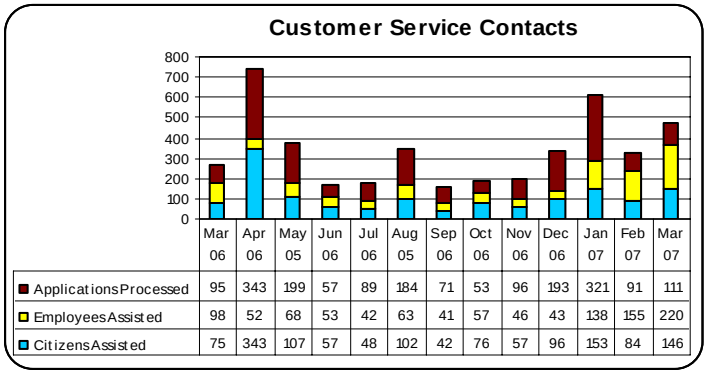
Report of Operations

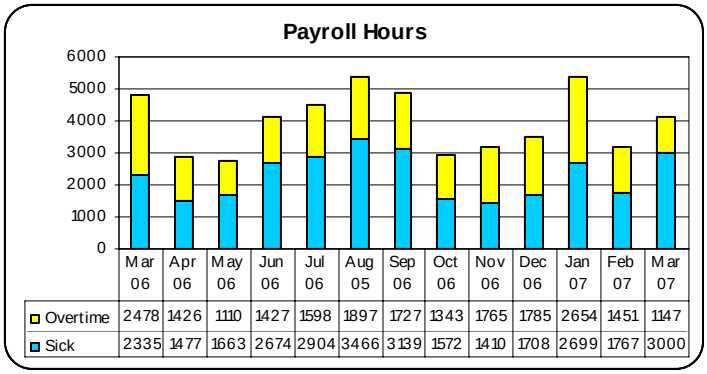
	Mar 2007	Mar 2006	Difference	FY 2007 Year-to-Date	FY 2006 Year-to-Date
Final Bills	544	639	-95	5,297	5,459
Estimated Bills	170	250	-80	1,963	1,886
Penalties Posted	$ 14,746	$ 12,370	$ 2,376	$ 124,117	$ 106,709
Extensions of Credit - Amount Extended	$ 154,779	$ 96,472	$ 58,307	$ 1,653,055	$ 839,178
Balance Transfers	$ 1,748	$ 7,229	$ (5,481)	$ 26,967	$ 52,106
Utility Collections	$ 20,719	$ 95,927	$ (75,208)	$ 199,300	$ 382,630
Special Assessments	$ 110	$ 110	$ -	$ 2,494	$ 1,973
Miscellaneous Billings	$ 82,310	$ 80,737	$ 1,573	$ 458,723	$ 478,726
Returns - Checks	$ 24,025	$ 11,474	$ 12,552	$ 182,879	$ 124,404
Return Check Charges	$ 1,115	$ 650	$ 465	$ 9,006	$ 8,761
Cuts for Non-Payment (CNP)	650	581	69	5,949	5,563
CNP through Disconnect Collars	10	N/A	N/A	25	N/A
Cuts for Non-Payment - Amount	$ 147,234	$ 100,549	$ 46,685	$ 2,118,560	$ 1,154,460
Reconnects - Service Charges	$ 19,100	$ 10,450	$ 8,650	$ 155,489	$ 143,945
Court Cases	0	0	0	0	0
Tamperings	0	0	0	3	15

SOP / CIP Updates

- *Re-sequence and re-route meter routes.* As of the end of March 2007, approximately 15,807 electric meters and 4,332 water meters had been changed out.
- *Hire an Account Clerk III to supervise the billing and collections efforts.* Position has been filled.
- *Hire an Account Clerk I.* Position has been filled.
- *Install an Itron Mobile Collection System with GPS mapping in Meter Reading to maximize efficiency, reduce costs, and improve performance.* Our current water/wastewater radio read installations are not sufficient enough to warrant the purchase of this system. The system will be deferred for one year.

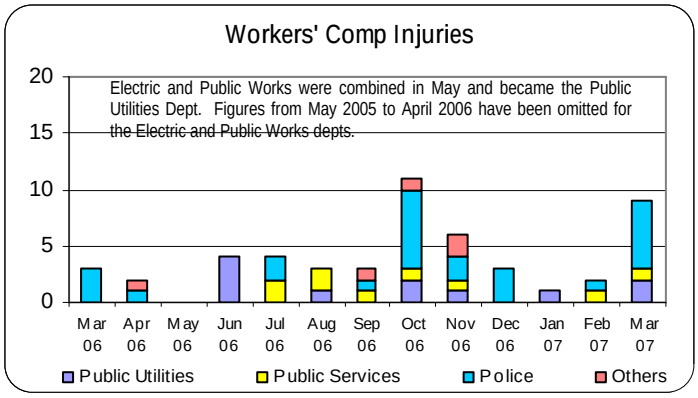
HUMAN RESOURCES



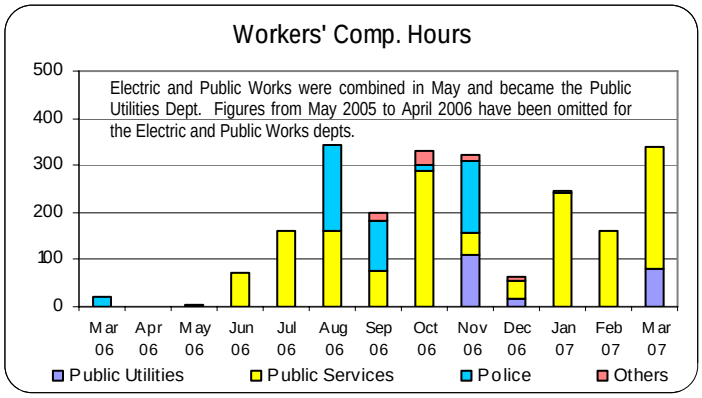


Category	Mar 06	Apr 06	May 06	Jun 06	Jul 06	Aug 06	Sep 06	Oct 06	Nov 06	Dec 06	Jan 07	Feb 07	Mar 07	Total
Caucasian	309	308	308	307	307	308	308	311	312	311	310	312	315	N/A
Minorities	66	67	67	66	66	65	66	67	68	68	68	68	68	N/A
Hired	3	2	2	1	1	6	4	4	3	1	2	2	5	36
Terminated/Resigned/Retired	2	2	2	3	1	6	3	0	1	2	3	2	2	29
Promoted	3	1	2	5	5	3	1	2	0	1	2	0	0	25
Jobs Posted	5	6	7	7	6	8	2	6	2	5	6	1	6	67
Workers Comp. Injuries	4	4	3	4	4	3	3	11	6	3	1	2	9	57
Workers Comp. Hours	21	0	3	72	160	344	198	329	322	62	247	160	341	2,259

- Workers' Comp. hours may not be the result of injuries that occurred during the current month.
- Jobs Posted –Customer Service Supervisor, Field Service Representative I, Motor Equipment Operator I (Water/Wastewater), Pipe Layer/ Motor Equipment Operator III (Construction), Electric Groundworker, Public Affairs Coordinator (City Manager's Office).
- Employee(s) Hired –Inspector I, Administrative Assistant (Assessor's Office), two Account Clerk I (Customer Service), Motor Equipment Operator I (Streets).



Public Utilities: 2 Public Services: 1 Police: 6 Others: 0

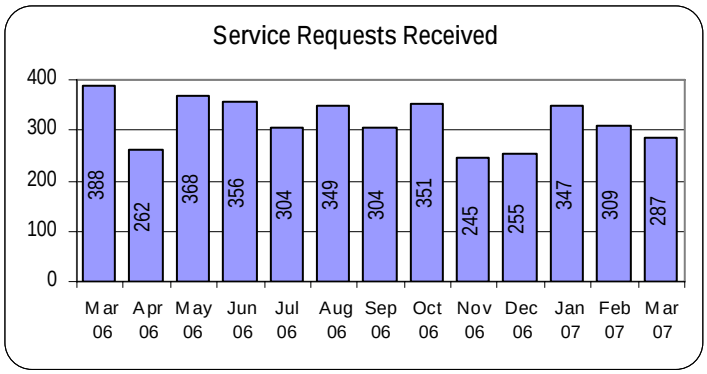


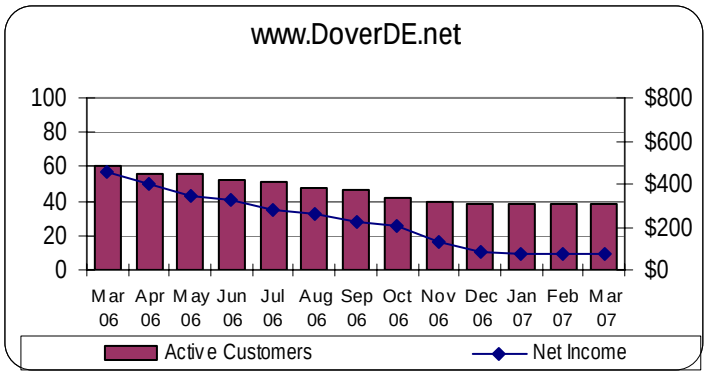
Public Utilities: 82 Public Services: 259 Police: 0 Others: 0

SOP / CIP Updates

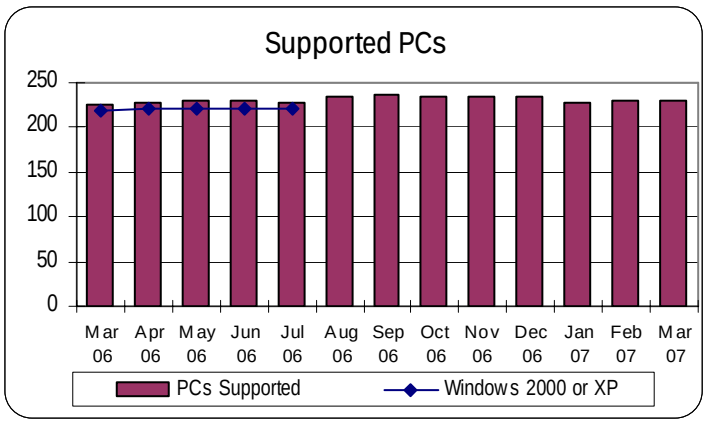
- *Effectively negotiate a labor agreement with the FOP.* Agreement reached in September 2006.
- *Work with Finance, Customer Services, and the local Union leadership to investigate medical benefit alternatives for employees and retirees.* The H/R, Finance, I/T and Public Utilities directors, and the Senior City Admin. and H/R Coordinator began meeting weekly in February 2006 as discussions with local unions were unsuccessful. Preliminary report was given to the City Manager on October 4, 2006. City Manager has requested committee to continue meeting to discuss feedback received from the City Manager. Final report was provided to the City Manager in March 2007.
- *Develop Supervisory Training modules and programs utilizing both internal and external resources.* Leadership Training thru Dale Carnegie has been scheduled for May 2007. Sexual Harassment Training has been scheduled for April 2007.
- *Effectively negotiate a labor agreement with the IUE and IBEW by June 2007.* IUE negotiations began in January with additional meetings scheduled for March thru June. IBEW negotiations are scheduled to begin in April.
- *Work with the City Clerk's Office to transfer insurance claims processing from the City Clerk to the Human Resources Department by June of 2007.* Full-time employee has been hired. Initial transfer discussions have occurred with the City Clerk's Office and insurance carrier. Cross training will begin in March.

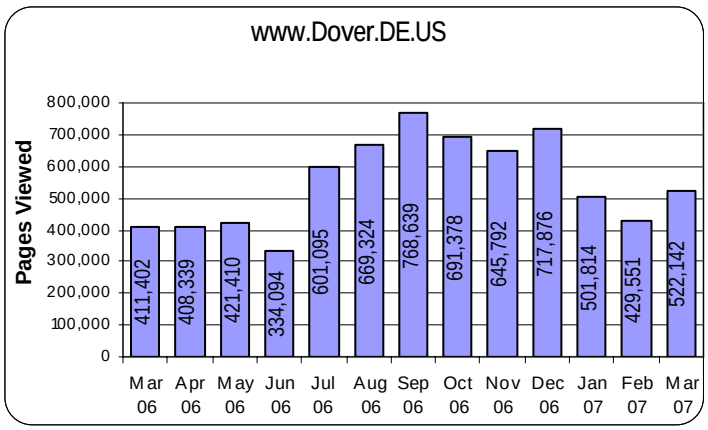
INFORMATION TECHNOLOGY





Active Customers: 38 Net Income: $70





PCs Supported: 229

As of August 2006, only "PCs Supported" will be given. The goal for Windows 2000 or XP has been reached.

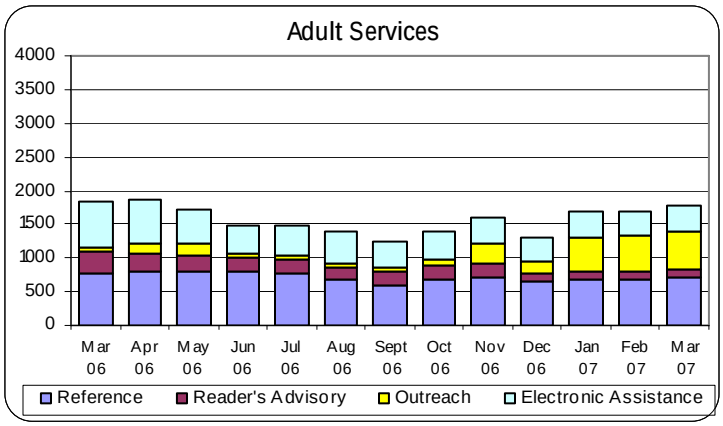
Performance Indicators	Current Month	Last Month	Same Month Last Year
iSeries Availability	99.1%	99.5%	99.1%
Server Availability	99.9%	100%	99.8%
Programming Requests Completed	18	17	5
AS/400 Connections (concurrent/authorized users)	36%	37%	39%
PCs Supported	229	229	225
Servers Supported	8	8	7
(Availability statistics based on 7:00 a.m. to 5:00 p.m. M-F)			

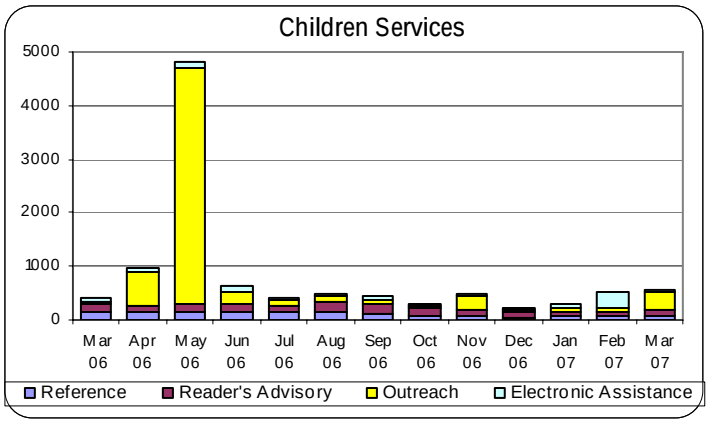
SOP / CIP Updates

- *Implement an Information Technology Emergency Preparedness Plan that will provide a platform for business restoration within 48 hours of a major disaster – Project #IT0504.* DEMA has pre-approved equipment list. The request to purchase equipment was approved at the January 22, 2007 Council meeting. Equipment has been received and site preparation is in progress.
- *Implement E-Government Strategy Plan*. Vacant Web Programmer position has been filled. Currently working on E-government RFP which will be placed in March.
- *Develop a printer life cycle methodology.* A plan was implemented, and a replacement schedule was provided for budget planning. Project complete.
- *Support Citywide Phone VoIP Project Implementation – Project #CS0601.* Rollout of the new system has been completed at all locations except the Fire Department. Implementation of Call Accounting software is the next.

PARKS, RECREATION & LIBRARY

Library





Reference: 716
Reader's Advisory: 118
Outreach: 550
Electronic Assistance: 401

Reference: 92
Reader's Advisory: 86
Outreach: 327
Electronic Assistance: 53

Circulation	MARCH 07	FYTD 07	MARCH 06	FYTD 06
Dover residents	16,356	141,607	13,107	134,198
Kent residents	17,542	145,365	15,430	152,531
Non-county residents	1,456	11,825	873	8,658
Registrations				
Dover residents	288	3,081	163	1,662
Kent residents	253	2,601	133	1,774
Non-county residents	16	401	16	130
Other				
Visiting patrons	34,028	303,653	32,938	263,653
Meeting room usage	240	1,760	280	1,800
Photocopier usage	1,367	17,485	2,004	20,055
Dial-a-Story	1,552	16,026	2,165	13,197
Internet usage	5,176	48,028	5,262	44,976
Holds Placed	Sent: 2,891		Received: 2,145	Total: 5,036

Other Points of Interest

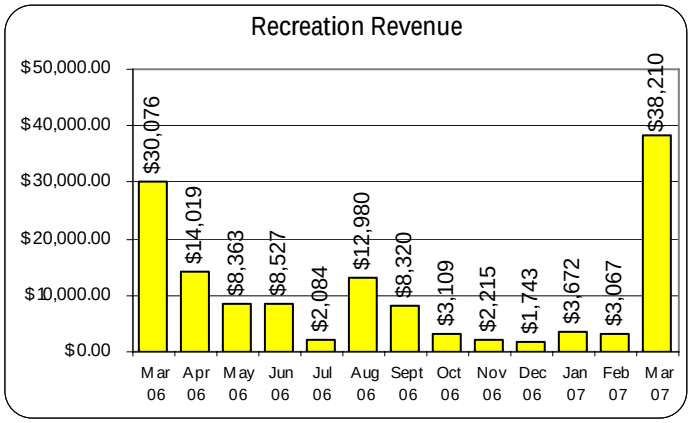
Interlibrary: 805 items loaned out
492 items borrowed

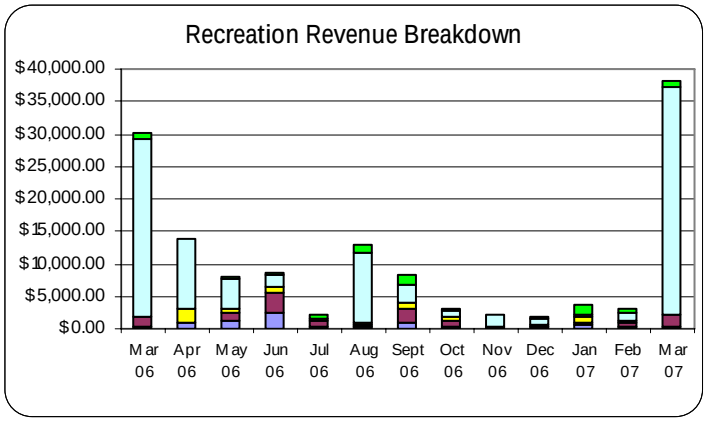
Technical services: Added 1,122 items
Deleted 518 items

Volunteers completed 67 hours of service.

SOP / CIP Updates
Develop potential locations, funding sources, and preliminary operating concepts for regional library in Dover. Nothing new to report.
Purchase site for anchor library and develop an architectural plan. Meeting has been scheduled with Kent County Library officials to discuss plan.
Update signage throughout the building to better assist patrons with locating materials and meeting areas. Ordered signage for the Dewey classification ranges. Posted additional signage to facilitate printing from public computers.

Parks and Recreation





General: $316 Rental Payments: $1,699 Sports: $5
Leagues: $35,261 Trips: $930

Rentals	MARCH 07		FYTD 07		MARCH 06		FYTD 06
Baseball/Softball Field Rentals*	49		235		26		201
Dover Park Pavilions (2)	0		23		0		29
Multipurpose/Field Hockey Field Rentals*	2		41		2		33
Recreation Center	24		155		22		203
Silver Lake Pavilions (2)	1		29		1		25
Soccer Field Rentals*	4		18		3		18
Stage	2		21		1		21
*These numbers reflect **groups** that utilized our facilities during March.*							
Program Attendance**	**MARCH 07**		**FYTD 07**		**MARCH 06**		**FYTD 06**
Basketball (Adult)	10		10		14		14
Basketball (Youth)	167		167		168		168
Bus Trip – Phila. Flower Show	45		45		45		45
Bus Trip – New York City	33		154		38		172
Get Up & Dance	15		37		New Program for 2007		
Learn–N–Play: All Sports & Soccer	20		108		10		83
**The program attendance report reflects programs that ended in the month of March.*							

Delaware Prevention Network

- Creating Lasting Family Connections continued with their collaboration of program efforts with local agencies.

SOP / CIP Updates

- *Implement Construction Plan for indoor recreation facility.* Continuing to meet with architect regarding the building. Bi-weekly meetings have been scheduled.
- *Begin construction on the John W. Pitts Recreation Center – Project #PR0501.* Staff met with Bob Smith Contractors and Becker Morgan to review project contract and details. Groundbreaking was held on February 23, 2007 and construction is underway.
- *Dover Park Enhancement – Project # PR0504 (State Match)* – Requested and received an extension of the grant for basketball court resurfacing.
- *Mirror Lake Dredging – Project # PR0402* – Nothing new to report.
- *Replace Stagemobile* – Bid specifications have been reviewed, and the bid was awarded to Century Industries. Stagemobile has been ordered and is expected to arrive in April.
- *Schutte Park Land – Donation* – Land donated adjacent to Schutte Park. Program has been renamed to Schutte Park Land Improvements.

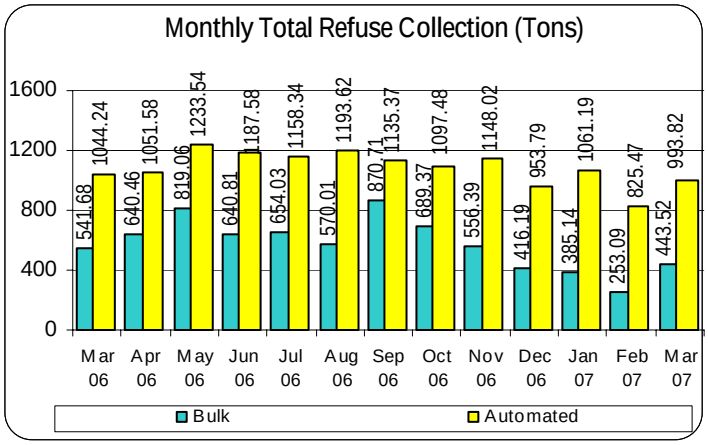
PUBLIC SERVICES

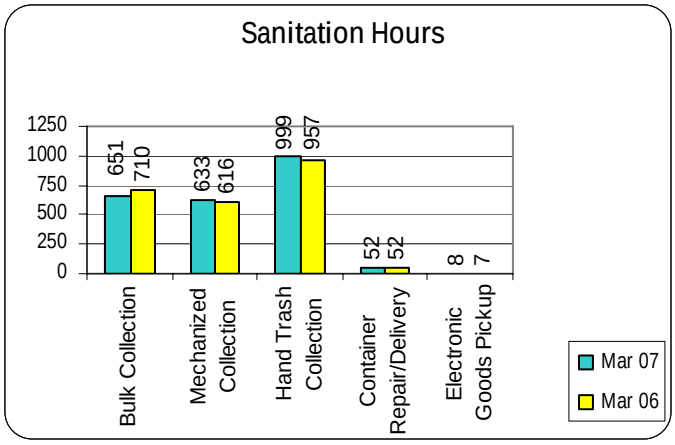
Administration

Administrative review and inspection services continued on all residential and commercial developments. The following residential subdivisions are in various phases of construction:

Oak Shadows
Village of Westover (Phases, III, IV, V & VI)
Fox Hall West Addition (Phases II & III)
Fox Hall West (Phases IV & V)
Maple Glen
Emerald Pointe
Four Seasons
Stoney Creek (Phase II)
Seskinore
Lexington Glenn
Nottingham Meadows
Clearview Meadows
Village of Cannon Mill

Sanitation





	MARCH 07	FYTD 07	MARCH 06	FYTD 06
Tons Dry Waste Collected	181.47	2,138.53	247.07	2,531.03
Tipping Fee Savings Realized	$3,577.73	$41,970.70	$4,939.01	$ 49,476.05
Trips to DSWA Sandtown Landfill	318	3,049.00	372	3,012
Total Tonnage to DSWA	1,437.34	14,405.55	1,585.92	14,868.00
90-Gallon Containers Delivered	43	394	52	433
300-Gallon Containers Delivered	9	28	4	42

Streets

	MARCH 07	FYTD 07	MARCH 06	FYTD 06
Signed Installed	49	331	24	246
Signs Repaired	29	115	15	140
Curbs Painted Yellow (feet)	295	1,219	232	1,150
New Posts Installed	12	94	8	69
Storm Catch Basins Cleaned	0	2,491	300	1,202
Storm Catch Basin Cleaning (Hrs.)	0	439	112	470
Hot Mix Patching (Tons)	0	150	0	137
Cold Mix Patching Hrs.)	37	337	40	323
Concrete Work (Hrs)	0	1,016	240	1,250
Concrete Patching (Cubic Yards)	0	791	47	183
Street and Alley Maintenance (Hrs)	159	1,353	188	1,354
Street Sweeping (Miles)	1,322	8,455	1,656	8,702
Street Sweeping (Cubic Yards)	228	1,613	216	1,314
Leaves Collected (Cubic Yards)	0	10,080	0	9,787
Leaf Collection (Miles)	0	3,688	0	5,528

Grounds

Arborist Crew		
	MARCH 07	MARCH 06
Trees Removed	153*	43
Stumps Removed	28*	0
*The majority of these trees and stumps were removed in the creation of a woods trail, a quarter mile, long at Schutte Park. This trail will also become part of the cross country course. Mulch from chilling trees was used to surface half the trail. The remainder of the trail will be covered with mulch next winter.		

Beautification Crew
Received and potted a shipment of 2,304 begonia plugs in the greenhouse. These annuals will be used as bedding plants.
Received and potted a shipment of perennial bulbs to be used in beds and containers

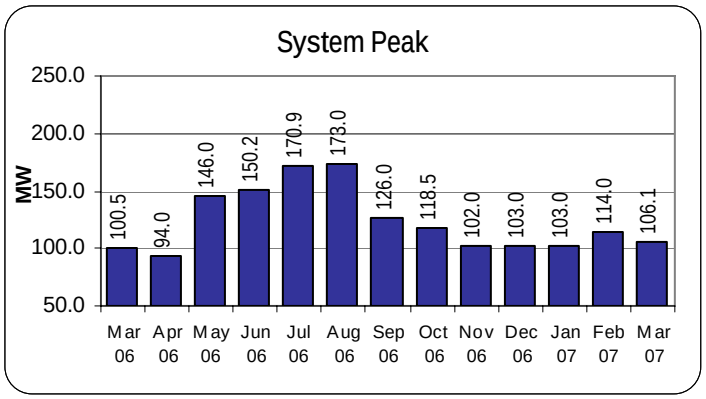
Landscape Repair/Special Projects Crew
Removed 20 tree grates that had been outgrown by the trees on Loockerman Street.
Assisted with the creation of a woods trail at Schutte Park including removing trees, chipping, brush hauling woods, hauling woods chips and the installation of a 20” drainage pipe.
Installed 6,250 square feet of sod at Schutte Park.
Assisted the Electric Department with the installation of the fountain in Mirror Lake.
Completed the landscape project at Robbins Hose headquarters on Governors Avenue.

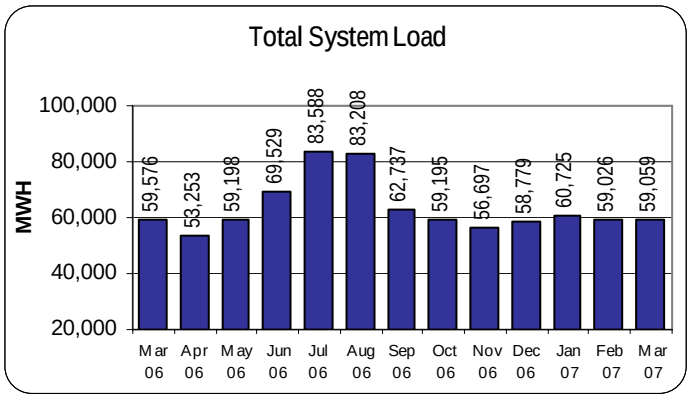
Grounds Maintenance/Mowing Crews
Assisted with the woods trail and installation of 12,250 square feet of sod and mulching around trees in the parks.
Completed project at the Blue Hen Corporate Center with the installation of filter fabric and 60 tons of 3/4” rock on the entrance islands.
Switched all equipment used for snow removal over to mowing configuration.

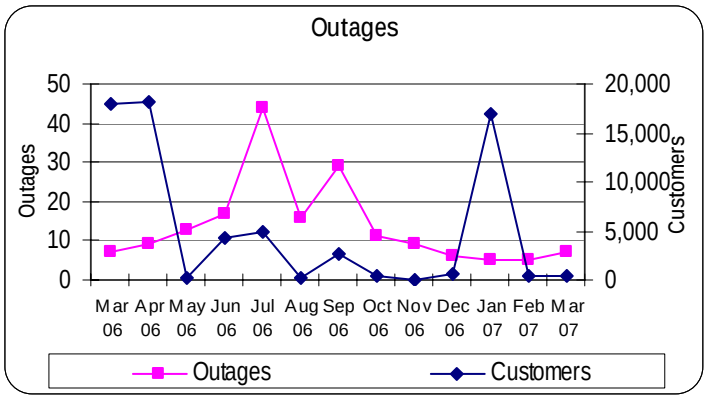
SOP/CIP Updates (percentages below represent percent completed)
FY-2006 Street Program (ST0601) – 100% FY-2006 Concrete Program (ST0602) – 100% Generic Subdivision Signs (ST0505) – 25% Silver Lake Dam Improvements – 15% FY-2007 Street Program (ST0701) – 97% FY-2007 Concrete Program (ST0702) – 85%

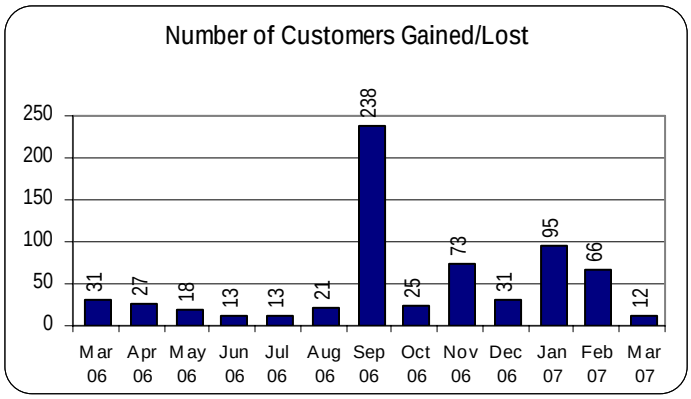
PUBLIC UTILITIES

Electric









Outages: 7 Customers: 435

ELECTRIC OUTAGE REPORT

OUTAGE #	DATE	TIME OUT	TIME IN	CIRCUIT	LOCATION	DEVICE	# OF CUST	CAUSE	ACTION	URD OVH
07-0011	03-03	07:10	08:17	12103	Morris Estates/Lotus	Fuse	74	Q	Replaced Fuse	OVR
07-0012	03-06	02:19	03:29	12901	Westminster Village	Jumper	1	I	Repaired Jumper	OVH
07-0013	03-07	10:40	12:39	12103	Orchard Avenue	Cable	1	J	Repaired Cable	URD
07-0014	03-09	10:18	11:17	12804	1255 Persimmon Tree	Fuse	2	D	Repaired Damage	OVH
07-0015	03-10	21:38	22:22	467	Elm Terrace	Jumper	6	I	Repaired Jumper	OVR
07-0016	03-19	09:54	11:15	12402	DAFB Housing	Elbow	350	L	Repaired Burnt	URD
07-0017	03-28	08:02	09:23	12904	North DuPont Highway	Wire	1	D	Cable Repaired Wire	OVH

CAUSE

A – Equipment Failure
B – Lighting
X – Transformer
D – Auto Accident
E - Animal
C – Tree Condition
G – Overload (Trans)
H – Weather Factor
F – Overload
J – Dig In
K – Substation Equip.
I – Primary Tap
M – Bad URD
N – Contractor/Line Crew
L – Switching Error
Q – Unknown
P – Homeowner

Engineering Services

Completed Projects	Active Projects / % Completed	Projects in Design / % Completed
↓ Jefferic Boulevard – Marriott ↓ Dover Air Force Base – Phase I	↓ Grandview Mobile Home Park – 80% ↓ Lexington Glenn – 70% ↓ 69 KV to Mayfair Substation – 80% ↓ Clearview Phases I, II, & III - 50% ↓ Feeders 3 & 4 – Phase I – 0% ↓ 4 KV to 12 KV Conversion – 99% ↓ Vera's Haven – College Rd. – 15% ↓ Tall Pines – Dover Kenton Rd. – 10% ↓ Nottingham Meadows – 50% ↓ Hertrich Mazda – 90% ↓ Country Inn—Leipsic Road—50% ↓ Creekstone Center Phase II – 10% ↓ Cannon Mill Phase II – 20% ↓ Emerald Pointe - Phase II – 10% ↓ Kesselring Feeder Phase II – 80% ↓ Village of Westover Phase VI-10% ↓ Leipsic Road Upgrades-80% ↓ Kent Acres Rehab. – 10% ↓ Hanson Building – 50% ↓ Governors Lighting Wesley Redesign – 33% ↓ Cedar Chase Hotel – 0% ↓ John Pitts Recreation Center – 10%	↓ Fiber Map – 0% ↓ SR1/SR9 Rebuild – 100% ↓ Wawa Bay Court Plaza—90% ↓ Feeders 3 & 4 – Phase II – 60% ↓ Cahne Medical Building – 0% ↓ North Street Improvements – 50% ↓ Cannon Mill Phase III – 100% ↓ Dover Air Force Base – Phase II – 10% ↓ Dover Air Force Base – Phases III, IV & V – 100% ↓ Walgreens – 100% ↓ Dover Saturn – 100% ↓ Commerce Bank—0% ↓ Eden Hill Medical Center—90% ↓ Mayfair Bus Work—95% ↓ Dickies BBQ—0% ↓ Robert W. O'Brien Building –0% ↓ Dove View – 0% ↓ State Street Commons – 0% ↓ Rigley Street Storage – 0% ↓ Wawa, Court Street – 0% ↓ Eden Hill Residential – 0% ↓ Kesselring Farm – 50% ↓ 69 KV Relocation Frazier – 0%

Transmission and Distribution

Underground Work	% Completed	Overhead Work	% Completed
↓ Emerald Pointe	100%	↓ Overhead maintenance	Ongoing
↓ Cannon Mill	Ongoing	↓ Maintenance of City lighting	Ongoing
↓ County Inn, Leipsic Road	50%	↓ Infrared Testing and Repairs	98%
↓ Kentwood 750 MCM upgrade	100%	71 of 72 completed	
↓ Total 4-12 KV conversion	99%	↓ Remove overhead wire RT 13	100%
↓ Clearview	Ongoing	In front of DSU	
↓ Lexington Glenn	Ongoing		
↓ Dover Air Force Base – installing new underground infrastructure	Ongoing		
↓ Nottingham Meadows	70%		
↓ Capitol Park upgrade to underground	95%		
↓ Seskinore Development	80%		
↓ Leipsic Road, Install 750 underground	50%		
↓ Vera's Haven	100%		
↓ Bayhealth Warehouse			

FY 06 Meter Stats

	Mar 06	Apr 06	May 06	Jun 06	Jul 06	Aug 06	Sep 06	Oct 06	Nov 06	Dec 06	Jan 07	Feb 07	Mar 07
Radio Read Meter Installations	585	558	386	244	252	464	459	287	483	346	635	380	370
Meters Tested	1,300	878	525	450	475	161	507	491	738	677	1,399	648	570
Meters Junked	509	416	345	201	181	367	349	242	245	337	603	283	261
Meters Removed	25	0	13	28	7	14	24	30	5	14	13	12	16
Meter Changes	525	519	354	200	210	424	193	224	402	295	523	298	341
New Services	40	28	18	25	24	21	246	37	68	26	93	69	20
Services Retired	1	2	1	0	0	2	1	5	1	3	3	4	1
System Operations Center													
Switching schedules	6	4	5	1	15	8	2	11	12	10	20	17	17
Work orders	396	1,157	1,687	1,861	2,091	828	1,121	1681	798	630	666	428	456
Miss Utility tickets called back	1,821	1,869	2,016	2,257	2,564	1,478	1,989	2,394	1,923	1,395	1,623	1,438	2,238
Tickets located	1,890	1,869	1,746		2,073	1,923	2,112	1,875	1,988	1,311	1,743	1,344	2,085

Substation Relay

Substation	Status
McKee	Repaired hot spots and performed maintenance.
Dover Downs	Repaired and cleaned 69 KV tie switch.

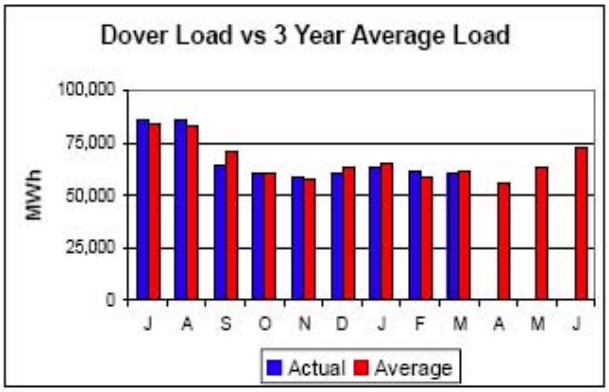
SOP / CIP Updates (percentages below represent percent completed)

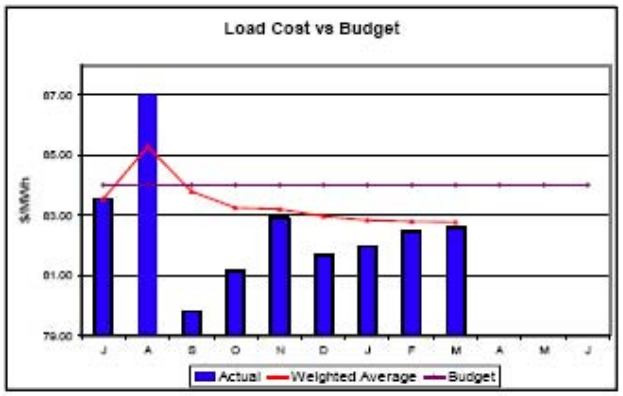
- *Develop an Electric Department mapping system to assist crews with power restoration.* Mapping system is operational.
- *Hire two junior engineers to replace senior system engineer and senior SCADA technician.* Recruiting for one Electrical Engineer – Scada Technician pending evaluation.
- *Continue the Blue Light Security program in the City of Dover – Project #EE0709.* Two blue lights have been installed in a pilot program. Communicating with various departments for recommendations of future placements of units.
- *Leverage and maximize the use of existing fiber optic outside plant and conduit by enhancing the existing fiber optic network and sharing these facilities with key community stakeholders – Project #PR0710.* Council approved award of the contract to Columbia Telecommunications Corporation.

CIP Project	% Completed	CIP Project	% Completed
Mayfair 69/12 KV Transformer and Breaker – Project #ES0105	5%	College Road Capacitor – Project #EE0604	0%
69 KV Feeders 3 and 4 – Project #EE0601	70%	Meter Testing Bench	90%
Mayfair to Mid-City – Project #ET0502	90%	Lighting Project and Rehabilitation – Project #EE0605	10%
Lebanon Transformer – Project #EE0701	10%	Radio Read Meter Changeout – Project #ET0501	75%
Dover Downs 69 KV Line Relocation – Project #EE0702	100%	Denneys Road Upgrade – Project #EE0705	30%
Distribution Upgrades – Project #EU0601	99%	Fiber Optics Replacement – Project #EE0710	20%
Replacement of 69 KV Breakers – Project #EE0408	70%	New Developments/Upgrades – Project #EE0606	100%
System Operations Automation – Project #EE0708	100%		
Kesselring Feeder – Project #EE0602	90%		

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PURCHASED POWER





March Hedges or Purchased Power

Counterparty	Volume (MWh)	Average Cost ($/MWh)	Cost to Dover ($ millions)
BP	18,575	73.12	1.36
Constellation	27,375	77.58	2.12
Integrys	16,815	68.40	1.15
Connective (Capacity Only)	11.8 MW	$5.00/MW.d	$1.8k
Total Energy Purchases	62,765	73.80	4.63
Dover Load	60,619		

PJM Power Balancing and Load Related Fees

Purchased Power (Hedges): 62,765 MWh's @ $73.80/MWh:	$4,632,265
Power Balancing and Additional PJM Related Costs:	$133,035
Total Cost to Serve Load (60,619 MWh's)	$4,765,300

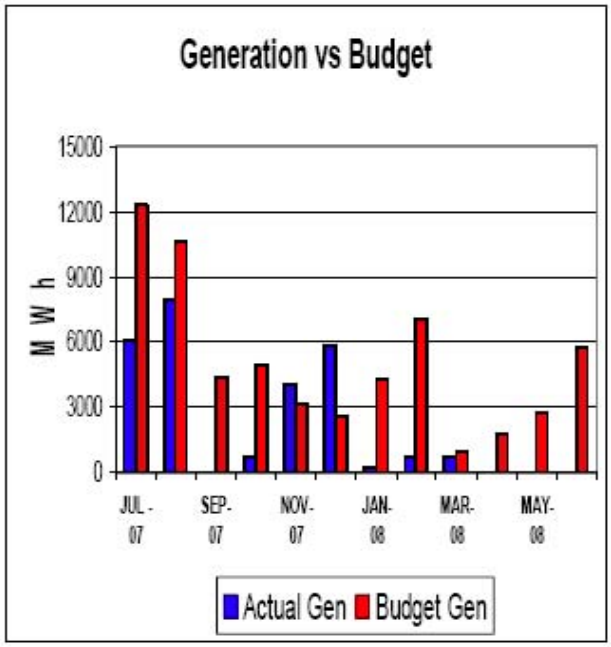
All in $/MWh load cost inclusive of Energy Manager Fees[1]: $82.61/MWh

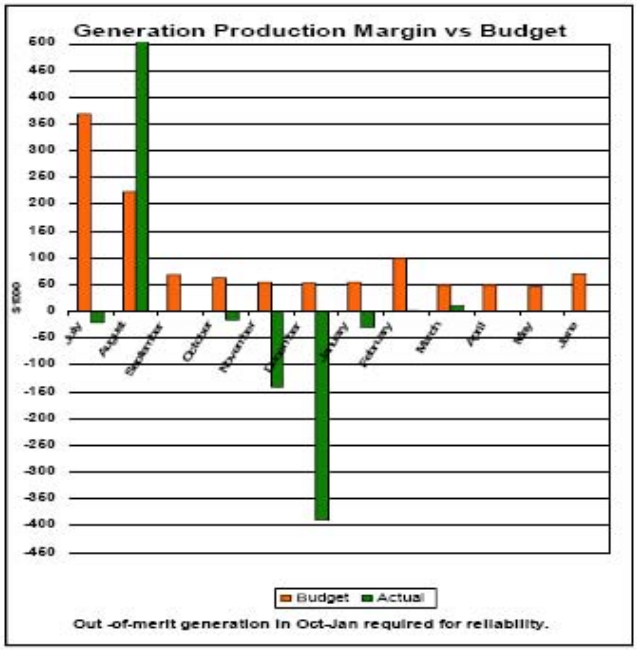
Monthly Market Management Highlights

- PJM market volatility raised forward prices through the 2006-07 and 2007-08 power year forward periods. For example, the 2007-08 forward strip increased by $7.08/MWh. However, existing hedge positions protected the City's budgets, as intended – limiting projected increases to $0.03 and $0.87 per MWh, respectively.
- Aggregate Day Ahead demand bids within 1% of actual daily loads resulted in load following costs well-below budget, despite a volatile Real Time PJM market.

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GENERATION MANAGEMENT





Monthly Operations Summary – March 2007

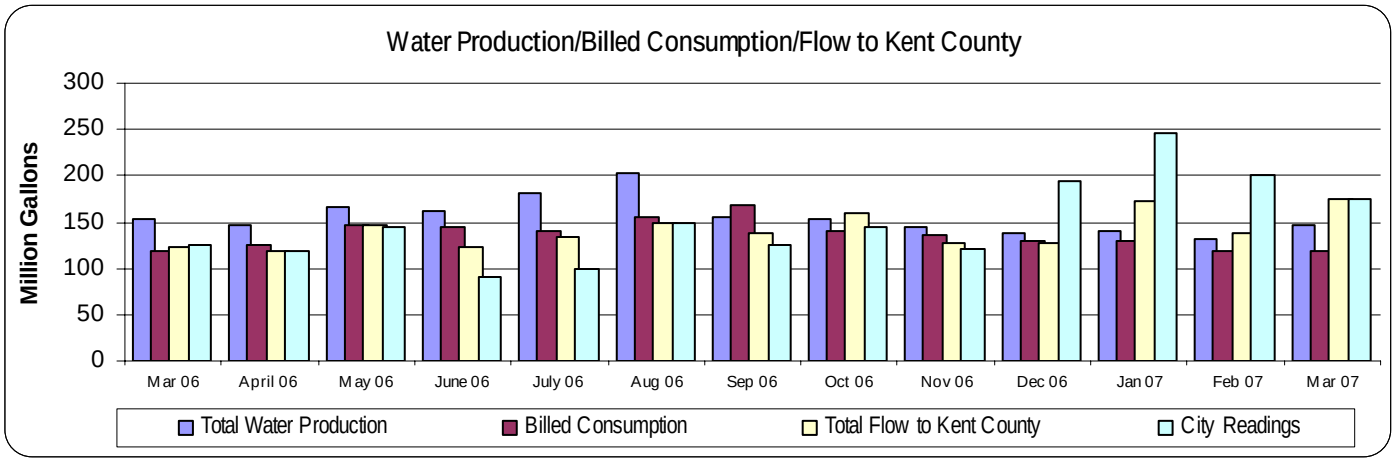
		McKee Unit 1	McKee Unit 2	McKee Unit 3	MRS Facility	VanSant Unit 11	Total All Units
Capacity	MW	17	17	102	136	39	175
On Line Hours	Hrs	0	0	18.917	18.917	0.30	19.217
Starts	#	0	0	1	1	2	3
Gross Generation	MWh	0	0	780.182	780.182	0.3	780.482
Net Generation	MWh	0	0	697.498	697.498	0.0	697.498
Total Auxiliaries	MWh	34.634	34.634	251.360	389.894	37.345	427.239
Auxiliaries purchased	MWh	34.634	34.634	168.676	237.943	37.315	275.258
Fuel Gas Used	1000s BTU	0	0	101,305	101,305	103,747	205,053
Fuel Oil Used	1000s BTU	0	0	13,242,748	13,242,748	0	13,242,748
*Fuel Oil Used**	Gallons	0	0	88,151	88,151	0	88,151
Total Fuel	1000s BTU	0	0	13,344,053	13,344,053	103,747	13,447,801
*Net Heat Rate**	BTU/KWh	NA	NA	19,131	19,131	NA	19,131
Unit Trips	#	0	0	0	0	2[&]	2[&]
Capacity Factor	%	0.00%	0.00%	0.92%	0.92%	0.00%	0.53%
Availability Factor	%	100%	100%	86.17%	95.39%	100%	96.54%
eFOR	%	0%	0%	0%	0%	0%	0%
HW Boiler Gas Usage	1000s BTU				2,141,346		2,141,346
Pilot Gas Usage	1000s BTU	0	0		0		0

*** Fuel oil usage numbers and resulting Net Heat Rate are based on questionable flow meter readings. These numbers are believed to be inaccurate at this time. Based on tank level readings, #6 FO use during the McKee 3 dispatch was 56,293 gallons, which yields a more credible net heat rate of 12,269 Btu/kWh.**

 # Note: Does not include HWB or Pilot Gas; * Note: Includes fuel used to heat boiler to prevent freezing.

[&] Note: Unit Trips under controlled conditions to test turbine overspeed trip function

Water/Wastewater



Total Water Production: 147,615,000 Billed Consumption: 118,595,000

Total Flow to Kent County: 174,550,681 City Readings: 174,550,681

	MAR 07	MAR 06
Water Production – Daily Average	4,761,774	4,927,839
Fire Hydrants – Flushed	1,189	1,313
Fire Hydrants – Tested	0	38
Final Readings	144	227
Cutoffs	20	20
Turn-ons	25	20
New Inspections	38	28
Curb Boxes Located	72	68
Curb Boxes Adjusted	3	7
Water Service Lines Repaired	2	1
Water Meters Repaired	13	22
Radio Technology Installations	39	57
New Meters Added	27	30
Total Water Meters in City Distribution System	13,157	12,865

	MAR 07	MAR 07
L.F. Sewer Lines Flushed	24,756	64,846
Sewer Lines Inspected	26,556	63,946
Feet Sewer Mains Videotaped	0	0
Manholes Inspected	134	330
Manholes Cleaned	122	318

SOP / CIP Updates
▪ *Reduce number of brown water complaints through the implementation of the Water Quality Improvements Program – Project #WS0502.* Phase 1 of the work proposed for Well #13R, which includes replacement of the altitude valve for the elevated storage tank, has been completed. The remaining materials required to complete Phase 2, well contact time piping, has been put out to bid. ▪ *Reduce cost to the City arising from inflow/infiltration – Project #WS0501.* Completion of smoke testing has been scheduled for April. Contractor will provide a report upon completion of all areas. ▪ *Increase the metering accuracy of the water/sewer utility through the expansion of the Meter Reading Technology Upgrade Project – Project #WS0702.* The budget for this program increased for FY 2007 to $175,000. Work on this project began more aggressively in August 2006 following the July flushing operation. Currently, 39% of the budget has been spent. ▪ *Increase the mapping accuracy of the water/sewer utility through the expansion of GIS.* The request for a GIS Technician for FY 2007 necessary to meet this goal was denied. It is anticipated that very little progress on this goal will be made in FY 2007.

CIP Project (Water)	Percent Completed
2006 - Southeast Water Loop (Design Phase) – Project #WD0701	95%
2006 - Scarborough Road Interconnection (Tidewater) – Project #WD0601	100%
Water Quality Improvements – Project #WS0502	50%
Meter Reading Technology Upgrade – Project #WS0603	39%
Miscellaneous Distribution System Improvements – Project #WS0602	50%
Elevated Storage Tank Painting and Maintenance – Project #WS0604	75%
Cheswold Well (#8) Replacement)	15%

CIP Project (Wastewater)	Percent Completed
2006 – Puncheon Run Motor Control & Pump Replacement (Construction) – Project #WW0505	95%
2006 – U.S. 13 East Sanitary Sewer Interceptor – Project #WW0101	90%
Inflow/Infiltration Removal – Project #WS0501)	75%
Meter Reading Technology Upgrade – Project #WS0603	39%
Miscellaneous Sewer System Improvements	10%

Construction

▪ Utility crew: 1. Leipsic Road: Installed conduits for Electric Division. 2. Dover Downs: Cleaned up job site and removed remaining material. 3. Water/Wastewater Division: One crew member worked with the water/wastewater crews during flushing operations. 4. Water/Wastewater Division: Repaired water leaks and sewer lateral during flushing operations. Made new water tap and service on College Road. 5. Bayard Altitude Valve & Bypass: Installing new altitude valve, new bypass and drain system for overflow and tank draining. 6. Electric Division: Pulled new wire behind Kentwood Mobile Home Park. 7. St. Jones Substation: Moved and hauled away concrete slab.

MONTHLY REPORT

Department of Planning & Inspections
P.O. Box 475
Dover, DE 19903
Phone: (302) 736-7010 Fax (302) 736-4217

Department of Planning and Inspections MARCH 2007

COMPREHENSIVE PLAN AMENDMENTS

In March, the City Council granted approval to two Comprehensive Plan Amendments to the Land Development Plan Map and denied an Amendment to the Growth & Annexation Plan Map. The Amendments involving revisions to the Land Development Plan Map changed the land use categories of three properties on Wyoming Avenue to Office & Office Parks and also changed a portion of a property on the southwest corner of College Road and Route 13 to Commercial. A fourth Comprehensive Plan Amendment to the Land Development Plan Map associated with the Blue Hen Corporate Center property was heard by the Planning Commission in March with City Council review scheduled for April. Following action on the last Amendment, Staff will complete the necessary map updates in order to complete the State certification process for these amendments and publication for amendments adopted.

EDEN HILL TND

The Plan Review process continues for the various aspects of the Eden Hill Farm Traditional Neighborhood Design (TND). In 2006, the Planning Commission approved the applications for the Residential District Implementation Plan and the Professional Office, Medical & Financial District Implementation Plan. A Revised Administrative Site Plan for the Professional Office, Medical & Financial District has been submitted in response to the initial review comments provided by Planning Office, other City Departments, and state agencies. The Administrative Site Plan for the Residential District was filed for review in February 2007. The Implementation Plan for the Commercial District has not yet been submitted for review by the Planning Commission. City Staff continues to meet with applicants and other agencies regarding the Eden Hill Farm TND in order to achieve plan approvals and to begin construction activities such as general site grading.

DEMOLITIONS

Currently, there are two properties on the dangerous building list as follows: 43 E. Division Street and the in-ground pool located at 123 Blue Beach Drive. 309-311 W. Loockerman Street, the owner has demolished the structure. Notice has been sent to the owner of 43 E. Division Street that the building is now considered a dangerous building by the City. The lien search has been conducted and there are no liens against the property. The structure located at 133 S. Governors Avenue has also been demolished.

COMMUNITY DEVELOPMENT

Homeownership Assistance Program

For the month of March, there were no families who purchased a home using Dover First Start. Three (3) families are mortgage ready and shopping for homes.

Housing Rehabilitation Program

Five (5) owner occupied homes are currently underway and three (3) have been completed.

Streets Project

The first phase of paving the sidewalks and curbs has been completed on South Kirkwood Street; the second phase is scheduled to begin in early spring.

First State Resource Conservation and Development Council RC&D
Emergency Repairs were completed on four (4) owner occupied homes for the month of March.

Community Development Staff and Specifications Writer for the Housing Rehabilitation Program attended a Lead Safety Training Program on March 22nd and received certificates of completion.

MEETING REPORTS

Board of Adjustment:
The Board of Adjustment met on March 21, 2007 and took the following actions:
The next scheduled meeting for the Board of Adjustment will be held on April 18, 2007.

1. **Applicant #V-07-03 - 91 Saulsbury Road, Lands of Carl Kaplan and Tolano Anderson:** Moved to approve.
2. **Applicant #V-07-05 - 764 Dover - Leipsic Road, Lands of Delmarva Hotels LLC:** Moved to approve with conditions.
3. **Applicant #V-07-06 - 62 South New Street, Lands of Julia Bess:** Moved to approve.

Dover Parking Authority: At its meeting of March 1, 2007 reports were given on the budget, permit sales, Police Department activities, Main Street, DDDC Report and Water Street Collections. Also discussed was the North Street Lease Proposal and Bradford Street Parking Lot Expansion project. Also discussed was a proposal for the City Hall Parking Lot: Vendor Proposal from Mr. Gary Campbell.

Historic District Commission:
The Historic District Commission met on March 15, 2007 and considered the following application. The next scheduled meeting for the Historic District Commission will be held on April 19, 2007.

1. **HI-07-01 Del-One Credit Union Drive-Thru Expansion at East Water Street:** Moved to approve with conditions.

Planning Commission
At its meetings of March 19, 2007, the Planning Commission took the following actions:

1. **MI-07-05 Kent County AeroPark: Lot Line Adjustment Plan – Consideration of Waiver Requests for *Land Subdivision Regulations*:** Moved to recommend approval with conditions.
2. **Z-07-03 Lands of DE Exchange LLC at the Blue Hen Corporate Center: Land Development Plan Amendment, Land Use Type: Commercial to Residential Medium Density & Rezoning Application:** Moved to recommend approval (Land Development Plan) and Moved to forward recommendation of approval to City Council for the zoning classification of RM-2.
3. **AX-07-02 Lands of Island Farm Inc., Harer, and Lloyd: West side of Bay Road:** Moved to forward to City Council recommendation of approval with C-4 zoning classification.
4. **Z-07-05 Berry Van Lines properties located at 747 N. DuPont Highway:** Moved to forward to City Council recommendation of approval with zoning classification of SC-2
5. **C-07-03 Day Care Center at Village of Cannon Mill – Lot 235 at East Shelldrake Circle:** Moved to approve with conditions.

6. **S-07-10 Luther Village: Planned Neighborhood Design – Senior Citizen Housing Option, Phase 2:** Moved to approve with conditions and to forward recommendation to City Council to eliminate street frontage.
7. **S-07-11 Sleep Inn west of North DuPont Highway:** Moved to approve with conditions.
8. **S-07-12 Lands of MC5 at Simpson Industrial Park near Lafferty Lane:** Moved to approve with conditions.
9. **S-07-13 Collegian Complex at 114, 116, 126, and 128 West Loockerman Street:** Moved to approve with conditions.

INSPECTIONS ACTIVITY

Permits and Licenses

Rental Dwelling, Public Occupancy & Lodging House Permits: Year to Date	1,798
Number of New Occupancies – March 2007	78
Permit Fees Collected for Rental, Public Occupancy & Lodging Permits, March 2007	$ 6,581.25
Number of Business Licenses & Mobile Homes Issued – March 2007	128
Total Number of Business Licenses & Mobile Homes for Year 7/1/06 to 6/30/07	2,345
Total Fee Collected for Business Licenses & Mobile Homes for March 2007	$ 8,027.35
Total for all Construction Permits* and Certificate of Occupancies Issued for Mar 2007	218
Value of Construction & Fire Prevention projects permitted in March 2007	$30,809,794
Fees Collected for Construction Permits and CO's for March 2007	$ 230,705.50

*Construction permits include Building, Fire Prevention, Plumbing, and HVAC Permits

Property Inspections: March 2007: Fire Marshal, Inspections - Property Maintenance

Office of the Fire Marshal	
Safety Inspections	64
Property Maintenance Inspections	61
Fire Code Inspections	77
Fire Protection Inspections	55
Certificate of Occupancy	4
Alarm Activation Follow-ups	14
Fire Investigations	4
Total Inspections	**279**
Non-Inspection Hours	
Office	116
Training	16
Plan Review	39

Building and Property Maintenance Inspections	
Construction Inspections	
Building	259
Plumbing/Mechanical	377
Certificate of Occupancy	12
Total New Construction	**648**
Property Maintenance Cases	
Complaints	88
Observed by Inspectors	133
License/Zoning	56
Total PM Inspections	**277**
Non-Inspection Hours Office	185
Training	0
Plan Review	104

The Fire Marshal's Office has begun meetings with Home Builder Associations, the Chamber of Commerce, and Realtors with regards to sprinklering of townhouses.

On March 23, 2007 sprinkler activation at the University Court Yard Apartments suppressed a fire with one head due to the result of unattended cooking.

During the month of April, Planning & Inspections staff logged in 551 walk-in traffic citizens.

As always, please contact me regarding any questions you may have.

Ann Marie Townshend
Director of Planning and Inspections Department

DOVER FIRE DEPARTMENT

Established 1882

April 18, 2007

Mayor and council
City of Dover
P.O. Box 475
Dover DE 19903

Dear Mayor and Council,

During the month of March, we responded to 101 incidents. The incidents of most severity are listed below:

1. March 7, the Dover Fire Department was called to assist the Cheswold Fire Department with a possible chemical leak at Reichold Chemical. This was a good intent call and Dover units were returned while en route.
2. March 7, firefighters responded to 213 N. New St. for a heater fire. Upon arrival, crews found a large smoke condition from a heater which had malfunctioned. There were high levels of Carbon Monoxide in the residence requiring several residents to be transported to K.G.H.
3. March 11, firefighters responded to 6 Draper Dr. for a house fire. Upon arrival, crews found heavy fire showing from the front of the residence. The residence suffered heavy fire damage and a firefighter received severe burns while fighting the fire. 41 firefighters responded to the incident.
4. March 14, firefighters responded to 43 Michigan Ave. for a trailer fire. Upon arrival, firefighters found a single wide trailer fully involved in fire. The residence was a total loss. 19 firefighters responded to this incident.
5. March 19, firefighters responded to 44 Kentwood Dr. for a trailer fire. Upon arrival, firefighters found a single wide trailer with fire showing from the front of the trailer. The fire was contained to the kitchen and living room area of the residence. 24 firefighters responded to this incident.
6. March 25, firefighters responded to University Courtyard Apts. for a kitchen fire. Upon arrival, firefighters found a small fire in the kitchen which had been controlled by a sprinkler which had activated.
7. March 27, firefighters responded to 7 S. Queen St. for a kitchen fire. Upon arrival, firefighters found a small fire in the kitchen resulting from unattended cooking. The fire was contained to the kitchen area. 28 firefighters responded to this incident.
8. We also responded to several car and mulch fires during the month. We also

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

DOVER FIRE DEPARTMENT

Established 1882

had several water flow activations due to hydrant flushing. These incidents were handled by on call fire line officers.

The consoles have been installed in the Emergency Dispatch Center. Motorola and State Communications are in the process of finishing up the installation of the radio and computer equipment. This project should be completed by the end of the month, with the exception of the phone, recorder, and Red Alert upgrades which will take place after July 1, 2007.

The fire truck maintenance has been scheduled and will begin at the end of April.

The Fire Department housing has been placed on hold. Our museum will still be open to the public on May 5 during Old Dover Days.

We are currently working with Dave Truax and Mark Nowak in an effort to create better maps of the City for the Fire Department.

In closing, I would like to thank Council and the City Manager for a very productive executive session regarding Fire Department budgetary concerns. Since that meeting, Carter Knotts and I have met with the Donna Mitchell and Terri Tieman to review the Fire Departments budget. This was also a very productive meeting.

As always, if there are any questions or concerns regarding any issues, please feel free to contact me at any time.

Respectfully Submitted,

Jason Osika
Fire Chief

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

CIP Highlights-March 2007

General Fund

- Overall Project Status: 7 projects started; 3 completed; 1 not started; 1 delayed.

- Equipment for Emergency IT Center is in, and site has been selected. This is the FY06 part of the project. Consultant working on the final protocols and procedures for emergency operations. This is the FY 05 part of the project.

- John W. Pitts Center – Construction site work has started. Water and wastewater lines have been put in.

- The Air Conditioning Control upgrades at the Police Department are complete. This project was first proposed in 2004 but was delayed due to lack of funding.

Water/Wastewater Fund

- Overall Project Status: 7 projects started; 4 projects completed; 2 delayed.

- Smoke testing for the Inflow/Infiltration Project – The majority of testing has been completed and a preliminary report has been issued. Smoke testing resumed in April due to delays by contractor.

- Route 13 East Sanitary Sewer Interceptor. The construction of this phase is now complete. We are awaiting final billing but it appears project will come in over the "time and material" estimate by about 16% or $50,000. We are still within the total budgeted for the year. Increase was due to wetter soil conditions than anticipated which caused a need for more stone to be used to support the sewer line. There were additional costs related to maintaining temporary black top over the winter period.

Electric Fund

- Overall Project Status: 17 projects started; 3 completed; 1 delayed.

- Three new projects approved by City Council and added: McKee Run Transformer, College Road Substation, and Transmission Relaying Upgrades.

- The transmission lines related to the Dover Downs 69 KV relocation are now complete. Project came in 5% over budget. Additional funds will come from other projects that are under budget and will be adjusted as part of the final revised budget.

- All of the Distribution Upgrades planned for this year are complete. Time and crew capacity does not permit any further work this fiscal year.

Community Transportation Fund

- This is a new section we have added.

City of Dover
General Fund - Major CIP Projects
March, 2007

		PROJECT HISTORY					CURRENT FISCAL YEAR						
Type	Descripton	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 Balance	% Budget Spent	Status	Comments
	FY 2004												
M	Pitts Recreation Center	$ 3,000,000	$ 3,000,000	$ 284,409	$ 2,715,591	9.5%	$ 964,800	$ 964,800	$ 139,905	$ 824,895	14.5%	Started	Site and utility construction started.
	HVAC Controls Upgrade- Police	69,324	69,324	65,000	4,324	93.8%	69,324	69,324	65,000	4,324	93.8%	Completed	Waiting for final training and bills.
	Totals	$ 3,069,324	$ 3,069,324	$ 349,409	$ 2,719,915	11.4%	$ 1,034,124	$ 1,034,124	$ 204,905	$ 829,219	19.8%		
	FY 2005												
	Dover Park Enhancements	$ 60,000	$ 60,000	$ 13,330	$ 46,670	22.2%	$ -	$ 60,000	$ 13,330	$ 46,670	22.2%	Started	Fencing completed; bidding paving.
	IT Emergency Prep Plan	50,000	50,000	32,350	17,650	64.7%	-	17,650	-	17,650	0.0%	Started	Consultant is reactivated now that FY06 equipment is delivered
	Totals	$ 110,000	$ 110,000	$ 45,680	$ 64,320	41.5%	$ -	$ 77,650	$ 13,330	$ 64,320	17.2%		
	FY 2006												
	I/T Emergency Plan (Grant Funded)	$ 100,000	$ 100,000	$ 70,145	$ 29,855	70.1%	$ -	$ 100,000	$ 70,145	$ 29,855	0.0%	Started	Equipment received. Consultant working on final plans.
	City-Wide Fiber Optic Telephone System	130,000	470,000	433,922	36,078	92.3%	470,000	470,000	433,922	36,078	92.3%	Completed	Completed
	Totals	$ 230,000	$ 570,000	$ 504,067	$ 65,933	88.4%	$ 470,000	$ 570,000	$ 504,067	$ 65,933	88.4%		
	FY 2007												
	Park Playground Improvements	$ 57,000	$ 57,000	$ 56,414	$ 586	99.0%	$ 57,000	$ 57,000	$ 56,414	$ 586	99.0%	Completed	Dover Park and Mary Street Park installed
	Front Steps Police Station	30,000	30,000	-	30,000	0.0%	30,000	-	-	-	0.0%	Delayed	Delayed due to electric rate cut-backs.
M	GIS System City-Wide	52,000	102,000	65,942	36,058	64.6%	50,000	50,000	12,500	37,500	25.0%	Started	Software delivered; equipment being upgraded.
	Fire Dept Communications System	400,000	250,000	40,647	209,353	16.3%	400,000	250,000	40,647	209,353	16.3%	Started	Started installation.
	Shutte Park- Donated Land Improvements	100,000	100,000	-	100,000	0.0%	100,000	100,000	-	100,000	0.0%	Not Started	Waiting on funding.
	Space Needs Study Implementation	40,900	40,900	21,974	18,926	53.7%	40,900	40,900	21,974	18,926	53.7%	Started	Construction started on Finance office.
	Totals	$ 679,900	$ 579,900	$ 184,977	$ 394,923	31.9%	$ 677,900	$ 497,900	$ 131,535	$ 366,365	26.4%		
	Grand Totals	$ 4,089,224	$ 4,329,224	$ 1,084,133	$ 3,245,092	25.0%	$ 2,182,024	$ 2,179,674	$ 853,837	$ 1,325,837	39.2%		

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
Streets Funds - Major CIP Projects
March 2007

		PROJECT HISTORY					CURRENT FISCAL YEAR						
Type	Descripton	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 Balance	% Budget Spent	Status	Comments
	FY 2002												
	North Street Sidewalk	$ 654,629	$ 819,120	$ 738,704	$ 80,416	90.2%	$ 80,416	$ 80,416	$ -	$ 80,416	0.0%	Not started	Work on hold pending Collegiate decision
	Clara Street turn lane	170,916	187,949	134,997	52,952	71.8%	40,000	40,000	-	40,000	0.0%	Not started	(1)
	Totals	$ 825,545	$ 1,007,069	$ 873,701	$ 133,368	86.8%	$ 120,416	$ 120,416	$ -	$ 120,416	0.0%		
	FY 2004												
	Dogwood/ Post/ Haman	$ 214,000	$ 214,000	$ 198,830	$ 15,170	92.9%	$ 15,170	$ -	$ -	$ -	0.0%	Closed	
	Totals	$ 214,000	$ 214,000	$ 198,830	$ 15,170	92.9%	$ 15,170	$ -	$ -	$ -	0.0%		
	FY 2005												
	Babb Dr.	$ 92,925	$ 104,390	$ 111,854	$ (7,464)	107.1%	$ 104,390	$ 104,390	$ 111,854	$ (7,464)	0.0%	CC	Waiting for Luther Towers to decide how to fund overage.
	Dover Little League Parking Lot Phase II	134,000	134,000	123,215	10,785	92.0%	10,785	10,785	-	10,785	0.0%	CC	Awaiting staff decision on re-appropriation of available funds.
	G. Wash./ Wilson Dr./ Woodcrest Dr./ Millcreek Cr./ Queen St. E&W Alley/ Tarburton Dr.	357,750	416,500	473,642	(57,142)	113.7%	-	-	-	-	0.0%	CC	Waiting for reimbursement from the state. Awaiting PW staff direction on how to cover overage.
	Mimosa Ave./ Woodburn Cr.	500,000	515,170	517,855	(2,685)	100.5%	-	-	-	-	0.0%	Closed	$2,685.03 offset against GF appropriation see below.
	Fox Hall signs/Lincoln Park sign	20,340	20,340	10,340	10,000	50.8%	10,000	10,000	-	10,000	0.0%	Started	The signs for Fox Hall & Woodlands of Fox Hall are complete. Work not started for Lincoln Park.
	Totals	$ 1,105,015	$ 1,190,400	$ 1,236,906	$ (46,506)	103.9%	$ 125,175	$ 125,175	$ 111,854	$ 13,321	89.4%	-	

City of Dover
Streets Funds - Major CIP Projects
March 2007

		PROJECT HISTORY					CURRENT FISCAL YEAR						
Type	Descripton	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 Balance	% Budget Spent	Status	Comments
	FY 2006												
	Silver Lake Park Sign	$ 16,400	$ 16,400	$ -	$ 16,400	0.0%	$ 16,400	$ 16,400	$ -	$ 16,400	0.0%	Not started	10% received from the state. Work not started.
	Capitol Park/ Rodney Village Signs	20,000	20,000	-	20,000	0.0%	20,000	20,000	-	20,000	0.0%	Not started	10% received from the state. Work not started.
	Ann Ave.	145,500	145,500	145,500	-	100.0%	145,500	145,500	145,500	-	100.0%	Closed	Over budget. Overage of $24,251 is offset against GF appropriation.
	Bennington St./ Burn. Tree Rd./ Teal Ct.	161,700	168,895	168,894	1	100.0%	161,700	168,895	168,894	1	100.0%	CC	Amendment to original budget was approved by legislators. Waiting on receipt of funds from the state.
	Healtherfield Sign./ Voshells Cove Sign.	20,000	20,000	-	20,000	0.0%	20,000	20,000	-	20,000	0.0%	Not started	10% received from the state. Work not started.
	Cowgill St.	25,000	25,000	-	25,000	0.0%	25,000	25,000	-	25,000	0.0%	Not started	10% received from the state. Work not started.
	Morris Dr.	79,000	79,000	-	79,000	0.0%	79,000	79,000	-	79,000	0.0%	Not started	10% received from state. Work not started
	Old Forge Drive (GF)	-	115,304	115,304	0	100.0%	115,304	115,304	115,304	0	100.0%	Closed	No agreement
	Reed Street (GF)	-	86,637	86,637	0	100.0%	86,637	86,637	86,637	0	100.0%	Closed	No agreement
	Village Dr. (GF)	-	91,025	91,025	0	100.0%	91,025	91,025	91,025	0	100.0%	Closed	No agreement
	Ann Ave (overage)	-	24,251	24,251	0	100.0%	24,251	24,251	24,251	0	100.0%	Closed	Overage from agreement CT6110
	Slaughter Street Alley (GF)	-	27,688	27,688	-	100.0%	27,688	27,688	27,688	(0)	100.0%	Closed	No agreement
	Mimosa Ave./ Woodburn Cr. (overage)	-	2,685	2,685	-	100.0%	2,685	2,685	2,685	0	100.0%	Closed	Overage from agreement CT0586
	Prior Fiscal years overage	-	13,239	13,239	-	100.0%	-	-	-	-	0.0%		Overage from prior years offset against CY GF appropriation
	Total General Fund	350,000	360,829	360,828	(10,828)	100.0%	347,590	347,590	347,589	1	100.0%		
M	Lincoln Park Center (317)	400,000	400,000	170,966	229,034	42.7%	285,220	285,220	56,185	229,035	19.7%		
	Totals	$ 1,217,600	$ 1,235,624	$ 846,188	$ 378,608	68.5%	$ 1,100,410	$ 1,107,605	$ 718,168	$ 389,437	64.8%	-	-
	FY 2007												
	E. Water St. brick sidewalk	$ 65,000	$ 65,000	$ -	$ 65,000	0.0%	$ 65,000	$ 65,000	$ -	$ 65,000	0.0%	Not started	10% received from the state. Work not started.
	Dover Fire Company parking lot	80,000	100,000	-	100,000	0.0%	80,000	100,000	-	100,000	0.0%		Received 10% on original agreement. Awaiting decision on funding reallocation.
	Taylor Dr.	16,750	21,263	21,263	0	100.0%	21,263	21,263	21,263	0	100.0%	CC	Amendment approved 12/28. Work is complete. Waiting for reimbursement from Del DOT.
	Andrew Dr./ G. Washington Dr./ Maple Dale Ave.	200,600	200,600	-	200,600	0.0%	200,600	200,600	-	200,600	0.0%	Not started	10% received from the state. Work not started.
	Penn. Ave./ West St. Alleys	36,900	36,900	-	36,900	0.0%	36,900	36,900	-	36,900	0.0%	Not started	10% received from the state. Work not started.
	Maryland Ave.	25,000	25,000	-	25,000	0.0%	25,000	25,000	-	25,000	0.0%	Not started	10% received from the state. Work not started.
	Bedford Drive	-	-	-	-	0.0%	-	1,580	-	1,580	0.0%	Not started	
	Totals	$ 424,250	$ 448,763	$ 21,263	$ 427,500	4.7%	$ 428,763	$ 450,343	$ 21,263	$ 429,080	4.7%		
	Grand Totals	$ 3,786,410	$ 4,095,856	$ 3,176,887	$ 908,140	77.6%	$ 1,789,934	$ 1,803,539	$ 851,285	$ 952,254	47.2%		

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.

City of Dover
Water/Wastewater Improvement & Extension Fund - Major CIP Projects
March 2007

		PROJECT HISTORY					CURRENT FISCAL YEAR					
Type	**Descripton**	**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 2001											
M	US Rt. 13 East Sanitary Sewer Interceptor	$ 1,025,000	$ 878,914	$ 355,494	$ 523,420	40.4%	$ 850,000	$ 850,000	$ 320,533	37.7%	Complete	Construction complete. Awaiting final bills.
	Totals	$ 1,025,000	$ 878,914	$ 355,494	$ 523,420	40.4%	$ 850,000	$ 850,000	$ 320,533	37.7%		
	FY 2003											
M	Puncheon Run Pump Station Upgrade	$ 215,000	$ 1,202,286	$ 1,079,899	$ 122,387	89.8%	$ 147,790	$ 495,156	$ 372,769	75.3%	Started	Functionally complete; final inspection done. Working on minor punchlist items.
M	Garrison Oak Interim Pumping Station	1,280,000	1,670,000	189,976	1,480,024	11.4%	-	-	-	0.0%	Complete	Design complete. Waiting for user
	Totals	$ 1,495,000	$ 2,872,286	$ 1,269,875	$ 1,602,411	44.2%	$ 147,790	$ 495,156	$ 372,769	75.3%		
	FY 2005											
M	Water Quality Improvement	$ 450,000	$ 1,226,000	$ 180,791	$ 1,045,209	14.7%	$ 200,000	$ 200,000	$ 180,791	90.4%	Started	Design ongoing; survey work started. Some materials ordered; materials out to bid.
M	Whiteoak Farms Pump Station Force Main	325,000	185,000	128,886	56,114	69.7%	-	102,942	66,621	64.7%	Complete	
M	Puncheon Run Interceptor Sewer Ext	1,500,000	4,350,000	135,868	4,214,132	3.1%	-	21,999	7,868	35.8%	Delayed	Design complete. Project cost beyond budget; being considered for deletion.
M	Inflow/Infiltration Removal	375,000	650,000	97,736	552,264	15.0%	100,000	164,744	12,750	7.7%	Started	Video taping of pipes complete. Smoke test wrapping up. Preliminary report delivered.
	Totals	$ 2,650,000	$ 6,411,000	$ 543,281	$ 5,867,719	8.5%	$ 300,000	$ 489,685	$ 268,030	54.7%		
	FY 2006											
M	Southeast Water Loop	$ 300,000	$ 930,000	$ 69,920	$ 860,080	7.5%	$ -	$ 23,095	$ 21,015	91.0%	Delayed	Design done. Estimate overbudget; being considered for deletion.
	Scarborough Road Interconnection	120,000	120,000	51,159	68,841	42.6%	-	50,000	51,159	102.3%	Complete	Done
	Totals	$ 420,000	$ 1,050,000	$ 121,079	$ 928,921	11.5%	$ -	$ 73,095	$ 72,174	98.7%		
	FY 2007											
R	Meter Reading Technology Upgrade	$ 565,000	$ 725,000	$ 263,809	$ 461,191	36.4%	$ 175,000	$ 175,000	$ 67,584	38.6%	Started	Ongoing installation.
	Cheswold Well (#8) Replacement	175,000	175,000	4,404	170,596	2.5%	175,000	175,000	4,404	2.5%	Started	In design. Survey done. Prepare bid spec's.
R	Misc. Distribution System Improvements	125,000	528,948	25,392	503,556	4.8%	50,000	50,000	25,392	50.8%	Started	Ongoing installation.
R	Misc. Sewer System Improvements	140,000	230,000	79,291	150,709	34.5%	20,000	20,000	14,290	71.4%	Started	Ongoing installation.
	Totals	$ 1,005,000	$ 1,658,948	$ 372,896	$ 1,286,052	22.5%	$ 420,000	$ 420,000	$ 111,670	26.6%		
	Grand Totals	$ 6,595,000	$ 12,871,148	$ 2,662,625	$ 10,208,523	20.7%	$ 1,717,790	$ 2,327,936	$ 1,145,175	49.2%		

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
March 2007

		PROJECT HISTORY					CURRENT FISCAL YEAR					
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 2003											
M	Mayfair 69kv/12kv SS Upgrade	$ 555,000	$ 592,988	$ 365,523	$ 227,465	61.6%	$ 167,465	$ 196,100	$ -	0.0%	Started	Council approved in January. Material ordered. Projected completion Spring 08.
	Totals	$ 555,000	$ 592,988	$ 365,523	$ 227,465	61.6%	$ 167,465	$ 196,100	$ -	0.0%		
	FY 2005											
M	Radio Read Meter replacement Prog.	$ 1,830,000	$ 1,835,000	$ 1,269,552	$ 565,448	69.2%	$ 545,000	$ 545,000	$ 530,771	97.4%	Started	All material purchased. Ongoing installation -75% complete
	Mayfair to Mid-City 69 kv	650,000	723,200	407,554	315,646	56.4%	375,496	195,055	36,657	18.8%	Started	Construction 75% done. Should be complete by end of fiscal year.
	Totals	$ 2,480,000	$ 2,558,200	$ 1,677,106	$ 881,094	65.6%	$ 920,496	$ 740,055	$ 567,428	76.7%		
	FY 2006											
M	69 KV feeders 3 and 4	$ 11,060,000	$ 14,607,500	$ 34,334	$ 14,573,166	0.2%	$ 236,173	$ 236,173	$ 20,507	8.7%	Started	Design completed; agreement on easement done; survey ordered. Council approval in May.
M	Kesselring Feeder	284,379	349,719	186,030	163,689	53.2%	213,840	93,840	76,196	81.2%	Started	Design completed; contractor done; and city crew ready to pull cable.
	Governor's Avenue Rebuild	1,268,450	1,826,568	-	1,826,568	0.0%	1,826,568	-	-	0.0%	Delayed	Delayed due to lack of state funding; now funded. Pushed to next FY.l
	College Road Capacitor	155,000	119,995	5	119,990	0.0%	119,995	119,995	-	0.0%	Started	Picking locations. Spec should be done, and will go to bid this month.
M	Replacement of 69 KV line breakers	1,200,000	1,050,000	262,400	787,600	25.0%	150,000	230,000	131,200	57.0%	Started	FY07 Breakers received. Wiring design being completed
	Totals	$ 13,967,829	$ 17,953,782	$ 482,768	$ 17,471,014	2.7%	$ 2,546,576	$ 680,008	$ 227,902	33.5%		
	FY 2007											
	Lebanon Transformer	$ 620,000	$ 535,000	$ 75,084	$ 459,916	14.0%	$ 535,000	$ 213,900	$ 75,084	35.1%	Started	Council approved; material ordered. Mar 08 Delivery
	Dover Downs 69 KV Relocation	700,628	700,628	414,264	286,364	59.1%	700,628	394,148	414,264	105.1%	Complete	Project complete.
R	Lighting Project & Rehab	550,000	500,000	522	499,479	0.1%	50,000	50,000	522	1.0%	Started	Boring and conduit around Wesley College. Lights out to bid.
M	Denny's Road Upgrade	391,278	581,720	119,207	462,513	20.5%	150,000	150,000	119,207	79.5%	Started	Conduit construction started.
R	UG Transformers - New Construction	178,500	178,500	144,744	33,756	81.1%	178,500	177,190	144,744	81.7%	Started	Ongoing
R	UG Conductors Devices - New Constr.	695,000	695,000	748,000	(53,000)	107.6%	695,000	990,000	748,000	75.6%	Started	Ongoing
	System Ops Automation	38,000	-	-	-	0.0%	38,000	-	-	0.0%	Complete	Project complete without need for city funds. Used remaining Duke services agreement.
	Blue Light Security System Call box	25,000	25,000	8,387	16,613	33.5%	25,000	25,000	8,387	33.5%	Started	Working w/ vendor on GPS mod.
	Fiber Optics Replacement	75,000	75,000	8,932	66,068	11.9%	50,000	50,000	8,932	17.9%	Started	CTC contracted.
	McKee Run Transformer	350,000	350,000	-	350,000	0.0%	-	350,000	-	0.0%	Started	Transformer ordered.
	College Road Substation	2,960,000	2,960,000	-	2,960,000	0.0%	-	525,000	-	0.0%	Started	Transformer ordered.
	Transmission Relaying Upgrades	620,000	620,000	-	620,000	0.0%	-	100,000	-	0.0%	Started	Design and engineering started.
R	Distribution Upgrades	300,000	200,000	252,960	(52,960)	126.5%	200,000	300,000	252,960	84.3%	Complete	Done
	Totals	$ 7,503,406	$ 7,420,848	$ 1,772,100	$ 5,648,748	23.9%	$ 2,622,128	$ 3,325,238	$ 1,772,100	53.3%		
	Grand Totals	$ 24,506,235	$ 28,525,818	$ 4,297,497	$ 24,228,321	15.1%	$ 6,256,665	$ 4,941,401	$ 2,567,430	52.0%		

Legend
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R = Recurring project - a project that begins and ends each fiscal year and is rebudgeted to start over each fiscal year.

City of Dover

Memorandum

Office of the City Manager
PO Box 475
Dover, DE 19903
Phone: (302) 736-7005
Fax: (302) 736-7002
E-mail tdeprima@dover.de.us

To: **Mayor and City Council**

From: **Anthony J. DePrima, AICP**
City Manager

Date: **April 17, 2007**

Subject: **Semi-Annual Robbins Hose Company Inspection**

In accordance with Section 46-43 of the City Code, I performed the inspection of the Robbins Hose Company on Tuesday April 17, 2007.

I toured Headquarters and the building addition. Renovations are now functionally complete and in use. There are some "punch list" items that need to be addressed. The building is something of which everyone can be very proud to have in Dover.

The vehicles appeared to be in their usual good condition. A new command vehicle has been ordered. The old vehicle will be transferred to the Fire Marshal's office for their use. Motorola has nearly completed the installation of the new Alarm Room Communication System which was one of our larger CIP projects for this year.

Improvements at Station 2 are moving forward as approved by City Council. The floor tiling is done and carpet will be installed next week. As you know, funds for this were taken from an account that had accumulated $165,000 for early payoff of Fire Station #2 loan. Once carpeting is completed all remaining funds in the account will be applied toward the loan. Chief Osika hopes to accomplish this in the first half of May.

This was my first semi-annual inspection under Chief Osika. I am sure he will prove to be an excellent fire chief and a good steward of the city funds that are entrusted to him. Please feel free to contact me if you have any questions or concerns.

/dej
cc: Fire Chief Osika

c:Tony/City Manager/Robbins Hose Inspection/April 2007

M E M O R A N D U M

TO: Mayor and Members of City Council

FROM: Traci A. McDowell, City Clerk

DATE: April 23, 2007

SUBJECT: April 17, 2007 - Election Results - 2007 Municipal Election

Following are the results of the 2007 Municipal Election, as certified by the Election Judges:

FIRST DISTRICT COUNCIL	
Kenneth L. Hogan	**218**
David A. Lewis, Jr.	99
Total Votes Cast	317
Total Registered Voters	5,809

In accordance with Title 15 Del.C. §7555(j), where the number of qualified candidates for an office is equal to or less than the number of seats up for election, the Board of Elections shall declare the candidate or candidates elected. Therefore, since the At-Large, Second District, Third District, and Fourth District positions were unopposed, the following will be sworn into office for two (2) year terms:

At-Large	-	Carleton E. Carey, Sr.
Second District	-	Eugene B. Ruane
Third District	-	James G. McGiffin, Jr.
Fourth District	-	Reuben Salters

/tm

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FIRST READING

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT 1004 SOUTH STATE STREET.

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

WHEREAS, it is deemed in the best interest of zoning and planning to change the permitted use of property described below from C-3 (Service Commercial) to C-2A (Limited Central Commercial).

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

1. That from and after the passage and approval of this ordinance the Zoning Map and Zoning Ordinance of the City of Dover have been amended by changing the zoning designation from C-3 (Service Commercial) to C-2A (Limited Central Commercial) on that property located at 1004 South State Street owned by Sunoco, Inc.

ADOPTED: *

S:\ClerksOffice\Rezonings\2007\1004 S State Street\ORDINANCE-1st Rdg.wpd

City of Dover

Department of Planning & Inspections

Application No.:Z-07-06



Plan Title: Lands of Sunoco
Plan Type: Rezoning Application
Tax Parcels: ED-05-077.17-07-21.00-000
Site Area: .7635 ac.
Owners: Sunoco, Inc. (R&M)
Present Zoning: C-3
Proposed Zoning: C-2A
Date: April 17, 2007

Legend

Dover Parcels

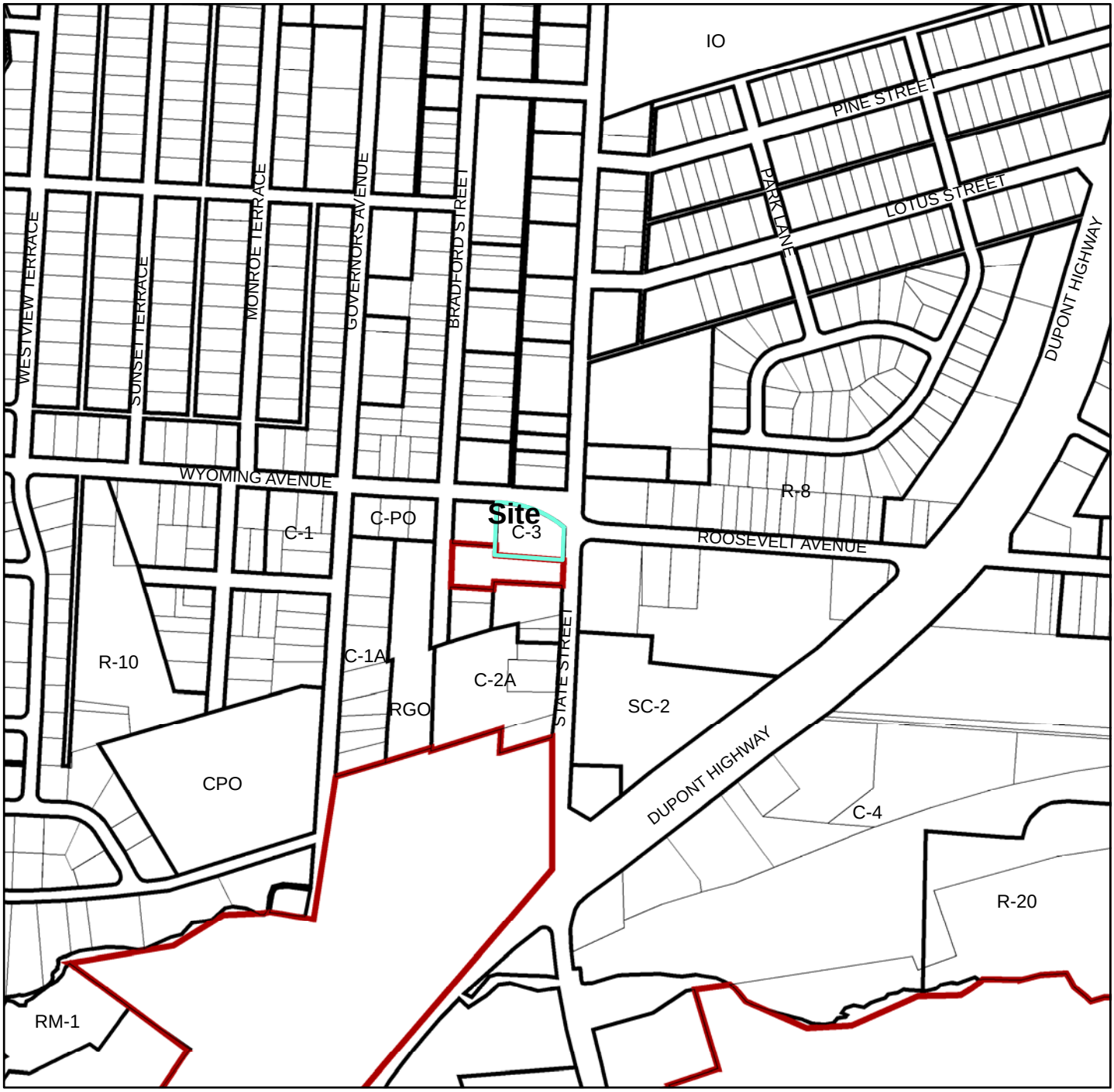
Zoning

0 90 180 360 Feet

City of Dover

Department of Planning & Inspections

Application No.:Z-07-06



Plan Title: Lands of Sunoco
Plan Type: Rezoning Application
Tax Parcels: ED-05-077.17-07-21.00-000
Site Area: .7635 ac.
Owners: Sunoco, Inc. (R&M)
Present Zoning: C-3
Proposed Zoning: C-2A
Date: April 17, 2007

Legend

- Dover Parcels
- Zoning

0 380 760 1,520 Feet

FIRST READING

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

That Appendix B - Zoning Ordinance, Article 3 – Section 2. General Residence Zones (RG-1 and RG-2) be amended by inserting a new section 2.6 as follows:

2.6 *Administrative Waivers:* The City Planner shall have the authority to waive the Bulk Standards and Parking Requirements of Article 4 Section 4.2 for all non-conforming lots that existed in the RG-1 zone prior to January 1, 2007, when deemed necessary for redevelopment. The applicant must request such waivers in writing, stating the reasons that such waivers are necessary for development or redevelopment of the subject parcel.